United Nations A/66/384

General Assembly

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28 September 2011

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Sixty-sixth session
Agenda item 117
Follow-up to the outcome of the Millennium Summit

Independent evaluation of lessons learned from "delivering as one"

Note by the Secretariat

1. In its resolution 64/289, the General Assembly encouraged the Secretary-General to proceed with the modality for the independent evaluation of lessons learned from the "delivering as one" pilots, covering all aspects of the initiative. The original mandate was contained in Assembly resolution 62/208, in which the Assembly encouraged the Secretary-General to support countries in their evaluation of efforts to improve coherence, coordination and harmonization in the United Nations development system, and emphasized the need for an independent evaluation of lessons learned from such efforts. The challenge is to ensure the evaluation is as independent and credible as possible, and useful for ongoing intergovernmental consultations on system-wide coherence and on effectiveness and relevance of operational activities for development of the United Nations system. The evaluation should inform the preparation of the quadrennial comprehensive policy review, to be conducted in 2012, and will be overseen by a regionally balanced Evaluation Management Group established by the Secretary-General (see A/65/737 and Add.1).

2. The preparation of the report will require extensive data collection, analysis and stakeholder consultations at the country, regional and headquarters levels, in 2011 and during the first half of 2012.

3. The Chair of the Evaluation Management Group will report to the General Assembly, through the President of the Assembly, by August 2012.

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General Assembly

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Sixty-sixth session
Agenda item 8
General debate

Letter dated 22 September 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith the text of the written statement of the delegation of the United Kingdom in exercise of the right of reply to the remarks made by Her Excellency Ms. Cristina Fernández de Kirchner, President of the Argentine Republic, on 21 September 2011 in the General Assembly (see annex).

I should be most grateful if you could arrange to have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Mark **Lyall Grant**
Ambassador
Permanent Representative

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Annex to the letter dated 22 September 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

Statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the President of the Argentine Republic in the general debate on 21 September 2011

The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands. The United Kingdom Government attaches great importance to the principle and right of self-determination as set out in Article 1, paragraph 2, of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish.

The United Kingdom's relationship with all of its overseas territories is a modern one based on partnership, shared values and the right of each territory, including the Falkland Islands, to determine if it wishes to retain a link to the United Kingdom.

The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Special Committee of 24. They asked the Committee to recognize that self-determination is a universal human right, and respect for this principle is enshrined in the United Nations Charter as one of the purposes of this Organization. They made clear that they, like any other people, are entitled to exercise the right of self-determination. They reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was removed prior to their people settling on the Islands over 178 years ago. They confirmed that they are and have been the only people of the Falkland Islands, and they did not wish for any change in the status of the Islands. They lamented the measures adopted by the Republic of Argentina that unlawfully aim to limit both their transport links and their access to open and free trade.

The Falkland Islands Government is entitled to develop both fisheries and hydrocarbons industries within its own waters. This right is an integral part of the right of self-determination, which is expressly contained in article 1, paragraph 2, of the International Covenant on Civil and Political Rights. It states that all peoples may, for their own ends, freely dispose of their natural wealth and resources. In no case may a people be deprived of its own means of subsistence.

The United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic. However, in recent years the Republic of Argentina has rejected these opportunities. It withdrew from cooperation on the South Atlantic Fisheries Commission, and in 2007 repudiated the 1995 Joint Declaration on Hydrocarbons. The Republic of Argentina placed a ban on charter flights travelling to the Islands in 2003. It has also introduced domestic legislation

to restrict shipping to the Islands and penalize companies that wish to do business in or with the Falkland Islands.

The United Kingdom has maintained an unchanged defensive military posture in the South Atlantic for over 29 years. This includes routine military exercises. The United Kingdom remains fully committed to defending the rights of the people of the Falkland Islands to determine their own political, social and economic future.

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Sixty-sixth session
Agenda item 145
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for the biennium 2012-2013

Report of the Secretary-General

Summary

The present report contains the resource requirements for the biennium 2012-2013 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The resources for the biennium 2012-2013 before recosting amount to $280,158,300 gross ($249,637,000 net) and reflect a decrease in real terms of $40,353,500 gross or 12.6 per cent ($40,173,000 net or 13.9 per cent), compared to the revised appropriation for 2010-2011.

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I. Introduction

1. The terms of reference of the International Tribunal for the Former Yugoslavia were established by the Security Council in its resolution 808 (1993). The statute of the Tribunal, adopted by the Security Council in its resolution 827 (1993), provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and the Registry. The activities for which the Tribunal is responsible are also set out in the statute.

2. The Security Council, in its resolution 1329 (2000), expressed its continuing conviction that the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia contributed to the restoration and maintenance of peace in the former Yugoslavia.

3. The report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts (S/2002/678) was endorsed on 23 July 2002 by a statement of the President of the Security Council on behalf of the Council (S/PRST/2002/21). The report presented the completion strategy of the Tribunal, setting 31 December 2004 for the conclusion of all new investigations, 31 December 2008 for the completion of first-instance trials and 31 December 2010 for the completion of appeals. The first major milestone has been met, with all investigations having been completed and the last new indictments confirmed by the Chambers at the end of 2004. The Security Council, in its resolution 1503 (2003), reaffirmed in the strongest terms the statement of 23 July 2002 endorsing the Tribunal's completion strategy. In its resolution 1534 (2004), the Council again emphasized the importance of fully implementing the completion strategy.

4. In its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals, with two branches, in Arusha and The Hague. The proposed budget of the Tribunal for the biennium 2012-2013 has been formulated taking into account the functions that will be transferred to the Residual Mechanism as from July 2012 and the associated resources required to carry out those functions.

5. At the time of writing of the present report, there were two cases in pretrial proceedings, namely the *Haradinaj et al.* retrial (involving 3 accused) and the *Mladić* case. The *Haradinaj et al.* retrial started on 18 August 2011 and is expected to be completed by July 2012. Ratko Mladić was arrested in Serbia on 26 May 2011 and was transferred to The Hague on 31 May. His trial is expected to commence in July 2012. Goran Hadžić was arrested in Serbia on 20 July 2011 and transferred to The Hague on 22 July 2011. At the time of writing, it is estimated that his trial will start in September 2012. The arrest of Mladić and Hadžić is a major milestone in the history of the International Tribunal for the Former Yugoslavia as they were the last two fugitives at large. It should be noted that, following those arrests, the Tribunal has completed or will be completing proceedings in respect of all 161 persons indicted by the Prosecutor.

6. Owing to factors outside the control of the Tribunal, one first-instance case, *Prlić et al.*, originally scheduled for completion in 2011 is now due for completion in 2012. After taking the above-mentioned developments into consideration, it is estimated that during the biennium 2012-2013, the Tribunal will be conducting trials and writing judgements in 9 cases, involving 18 accused, as follows: (a) cases in which a judgement will be issued (6 cases, involving 15 accused), namely *Prlić et*

al. (6 accused); *Šešelj* (1 accused); *Stanišić and Simatović* (2 accused); *M. Stanišić and Župljanin* (2 accused); *Tolimir* (1 accused); and *Haradinaj et al.* (3 accused); and (b) cases in which trials will be ongoing (3 cases, involving 3 accused), namely Karadžić, Mladić and Hadžić. The revised estimated completion dates are attributable to the late arrests of fugitives, whose trials could have been joined with those of other accused with the same crime base had they been apprehended earlier; the high rate of staff attrition; the discovery of important evidence while proceedings were ongoing; detainee health issues and other factors outside the control of the Tribunal emanating from the complexity of the proceedings. The movement of the completion dates of trials will also have a consequential impact on the completion of appellate activity. Updated information on the progress made in achieving the goals of the completion strategy will be provided by the President of the Tribunal and the Prosecutor in their joint biannual reports to the Security Council.

7. A trial schedule reflecting these timelines has been used by the Tribunal in order to determine the resource requirements for the biennium 2012-2013. It should be borne in mind that a number of external factors beyond the Tribunal's control can and will have a major impact on the anticipated completion dates of trials, as reflected in the projected trial schedule. Should the actual trial schedule vary significantly from that used for the formulation of the 2012-2013 budget proposal, the requirements would have to be reassessed and realigned and any additional requirements would be addressed in the context of the performance reports for the biennium 2012-2013.

8. During the biennium 2012-2013, four main developments will affect the workload of the Tribunal, namely: (a) the completion of six trials in 2012, resulting in a decrease in first-instance trial activity as from the third quarter of 2012; (b) an increase in the number and complexity of appeals, both interlocutory and appeals on merits, associated with trials of multiple and self-represented accused completed during 2011 and 2012; (c) the preparation for the transition to the Residual Mechanism; and (d) the start-up of The Hague branch of the Residual Mechanism as of July 2013.

9. To further ensure the expeditious completion of trials, the Tribunal has been running up to nine trials simultaneously since 2007 and plans to continue this measure during the first two quarters of 2012. The undertaking of additional trials has been made possible by: (a) the decision to have the three reserve judges sit in more than one trial, as well as judges and staff being assigned to two trials simultaneously; and (b) utilizing gaps that may appear in the courtroom schedule owing to illness of the accused or counsel, the failure of witnesses to testify, judgement drafting or other unforeseen circumstances that lead to an adjournment of a proceeding. Free courtroom space, when available, will also continue to be used for Chambers wishing to conduct additional hearings to expedite the completion of their cases. The scheduling of the additional simultaneous trials, while maximizing the use of courtroom time, will continue to stretch to a maximum the capacity of all organs of the Tribunal.

10. In order to increase the pace of trial activity and improve judicial efficiency, during the biennium 2008-2009, the Chambers granted the Prosecutor's requests to join related indictments and run trials with multiple accused. Three such trials are scheduled to continue during the biennium 2012-2013. While the joining of cases

has expedited the pace of trials, multiple-accused cases have the effect of generating far more motions and appeals than cases that involve a single accused, which has a consequential impact on the workload of the Chambers and of the Office of the Prosecutor.

11. All cases on trial are expected to be appealed by one or more parties to the proceedings. During the biennium 2012-2013, the Appeals Chamber is scheduled to complete proceedings in cases involving 15 accused, as compared to 8 accused in the biennium 2010-2011. A total of 30 accused will be at the appeal stage. The increase in the number and profile of the accused per case will have an impact on the volume and complexity of the cases on appeal. The current workload of the Appeals Chambers fully occupies the Appeals Chamber judges and because of the redeployment of staff from the Appeals Chamber in 2010-2011 to complete trials, the staffing of the Appeals Chamber is insufficient to cover the workload. The significant increase in workload expected during the next biennium, in particular with respect to the numerous multi-accused cases currently at trial, is such that the number of judges and their staff will need to be increased.

12. The President of the International Tribunal for the Former Yugoslavia, following consultation with the President of the International Criminal Tribunal for Rwanda, has recommended to the Security Council an increase in the composition of the Appeals Chamber, from the current statutory level of seven judges (five for the International Tribunal for the Former Yugoslavia and two for the International Criminal Tribunal for Rwanda) to a total of 15 judges (nine for the International Tribunal for the Former Yugoslavia and six for the International Criminal Tribunal for Rwanda). In order to adequately support the strengthened Appeals Chamber during the next biennium the proposed budget includes provisions for the redeployment of legal staff from trials to appeals, as and when first-instance trials are completed. However, as has been previously reported to the Security Council, staff attrition continues to pose a significant challenge to completing the extensive work of the Appeals Chamber. The completion of trials will be accompanied by a reduction in the number of judges during the biennium 2012-2013, from 22 judges (13 permanent and 9 ad litem) to 17 judges (13 permanent and 4 ad litem).

13. The Tribunal continues to conduct the trials and appeals without compromising due process. Over the years, the Tribunal has kept its procedures under review and has introduced a number of reforms and measures aimed at enhancing the efficient conduct of proceedings. These include reducing the scope of the indictment; the assignment of cases to the trial chamber likely to try the case at the earliest stage possible; the use of agreed facts and of adjudicated facts; the admission of evidence in writing; strictly enforcing time limits upon the parties; and discouraging duplicative evidence. In terms of appeals, the members of the Appeals Chamber have adopted a number of recommendations, including on the need to strictly adhere to the requirement of good cause to vary time and word limits, and the practice of not delaying the briefing schedule on appeal for the translation of the judgement into Bosnian/Croatian/Serbian but permitting an appellant to bring a motion to amend the notice of appeal and/or appeal brief if necessary. All of these important measures will have a significant impact on the expeditious completion of proceedings. In terms of judicial and administrative support, the Tribunal will continue to implement measures aimed at reducing the length of trials and improving efficiency. These include the future introduction of a lump-sum legal-aid policy for appeals similar to that used for pretrial and trial. The new appeals legal-

aid policy, once implemented, is expected to bring about a decrease in the administrative burden on the Tribunal's administration and on the defence, cost-efficiency and flexibility, allowing defence counsel to plan their work within available resources.

14. The Tribunal will continue to play an active role in assisting national prosecution and judicial authorities in the former Yugoslavia. The referral of cases to national jurisdictions has been central to the completion strategy. Thus far, 10 accused have been transferred by the referral bench to the War Crimes Chamber of the Court of Bosnia and Herzegovina, two accused have been transferred to the authorities of Croatia and one accused to Serbia for trial before the domestic courts of those countries. Hadžić does not meet the criteria for referral to national jurisdictions and therefore no further referrals are envisaged during the biennium 2012-2013. A total of 17 investigative dossiers, involving 43 persons, have been transferred to national courts. These dossiers pertain to cases investigated by the Office of the Prosecutor, but for which an indictment was never confirmed by a judge. While transfers of dossiers were completed in 2010-2011, legal support to national jurisdictions in the region will continue to be provided by the Office of the Prosecutor. The Office of the Prosecutor will also assist local authorities by providing information and documents, responding to multiple requests for assistance and answering questions, not only with regard to the transferred files but also to other related cases handled by the local authorities. The Registry will continue to provide essential support to national courts, in particular with regard to requests for assistance in connection with documents and other evidentiary material filed with the Tribunal, as well as issues related to the protection of witnesses.

15. During the biennium 2012-2013, the Tribunal will be actively engaged in the transfer of know-how and in other capacity-building activities in the region of the former Yugoslavia. In 2010, the Office of the Prosecutor, with the support of the European Commission, launched a project permitting visiting national prosecutors to spend time working in The Hague to review information and gain experience in prosecuting complex war crime cases. This project has proven to be very successful and will be continued during the biennium 2012-2013, subject to the continuation of funding from the European Commission. The Registry will also be engaged in the transfer of know-how and in other capacity-building activities in the region of the former Yugoslavia, including by training domestic judicial and prosecutorial training professionals ("training the trainers"), working with partners to produce transcripts of the Tribunal's hearings in the local languages and improving access by national legal professionals to the Tribunal's records and archives.

16. In 2010, in the context of preserving the Tribunal's legacy, the Tribunal, with sponsorship from the Government of the Netherlands and the University of California, Los Angeles, School of Law, organized a conference on the theme "Assessing the legacy of the International Tribunal for the Former Yugoslavia". The primary objective of the conference was to promote coordination and cooperation among various actors in order to strengthen efforts to utilize the Tribunal's legacy to promote respect for the rule of law, peace and justice in the former Yugoslavia and beyond. Following the conference, the Tribunal prepared a report on its comprehensive legacy strategy. This report will be discussed at a second legacy conference, to be convened in The Hague in November 2011.

17. The Tribunal will play a critical role in ensuring the coordinated transfer of functions to the Residual Mechanism and the effective start-up of operations of The Hague branch of the Mechanism. The Mechanism will coexist with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda in the biennium 2012-2013, allowing the Tribunals and the Mechanism to share resources, provide mutual support and cooperate beneficially during the period of their coexistence. The International Tribunal for the Former Yugoslavia will work together with the Mechanism to ensure that the transfer of functions and operations proceeds in the most cost-efficient, effective and practical manner. Furthermore, the Registry will play a very active role in assisting the Mechanism to develop its policies, procedures and structure, with a view to facilitating a smooth start-up of operations and ensuring the transfer of best practices and lessons learned.

18. With regard to the archives, pursuant to article 27 of the statute of the International Residual Mechanism (Security Council resolution 1966 (2010), annex I), the Mechanism is responsible for the management, including preservation and access, of the archives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Residual Mechanism, which together constitute the International Criminal Tribunal archives. After its establishment, the Mechanism will have exclusive competence over and responsibility for the management of the archives of the Tribunals and the Mechanism. Accordingly, provision has been made in the budget of the Mechanism for the transfer to it of functions and resources as of 1 July 2012.

19. The Registry will continue to support special measures to retain staff, including measures aimed at career transition and at meeting staff development and training needs. As reported on numerous occasions to the General Assembly and the Security Council, however, the special measures approved thus far have had a limited impact on turnover rates and need to be supplemented by a retention scheme. The Tribunal is preparing a proposal in this regard for consideration by the General Assembly. Finally, during the past year, the Registry successfully implemented, in partnership with staff representatives, a procedure to be used for the extension of contracts in the context of the downsizing exercise. The experience gained thus far in implementing this procedure has been very positive and the Tribunal intends to continue to apply it during the biennium 2012-2013.

20. The overall resources required for the biennium 2012-2013 for the International Tribunal for the Former Yugoslavia amount to $280,158,300 gross ($249,637,000 net) before recosting, reflecting a net decrease in real terms of $40,353,500 gross, or 12.6 per cent ($40,173,000 net, or 13.9 per cent), compared to the revised appropriation for the biennium 2010-2011. The decrease (see table 2) reflects reductions under Chambers ($1,956,900), the Office of the Prosecutor ($13,254,100), the Registry ($23,968,600) and the records management and archives component ($1,173,900) due mainly to the reduction in trial activity in 2013.

21. For the biennium 2012-2013, the International Tribunal for the Former Yugoslavia proposes the retention of 546 temporary posts. No temporary posts are proposed for abolition in 2012-2013. During the bienniums 2008-2009 and 2010-2011, a total of 444 posts were abolished but funding was provided through general temporary assistance to enable the functions of the posts to be maintained. In view of the slippage in the trial schedule and the arrest of fugitives, the functions of the abolished posts needed to be maintained for a longer period than originally

anticipated, including into the following biennium. At the beginning of the biennium 2012-2013, the equivalent of 331 positions will be funded under general temporary assistance. The number of positions funded under general temporary assistance will be gradually reduced by 120 positions during the biennium.

22. The recosting at 2012-2013 rates of the proposed budgetary provisions contained in the present report is preliminary. For salaries relating to posts in the Professional and higher categories, adjustments reflect the projected movement of post-adjustment indices in 2011. Similarly, with regard to General Service salaries, recosting takes into account the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The same vacancy rates as approved in the context of the revised appropriations for the biennium 2010-2011 are proposed for the biennium 2012-2013 (9.5 per cent for Professional and 7.9 per cent for General Service continuing posts). No attempt has been made to forecast the movement of the relevant currency vis-à-vis the United States dollar. The proposed budget will be recosted late in 2011 on the basis of the most recent data on actual inflation experience, the movement of post-adjustment indices in 2011, the outcome of salary surveys, if any, experience in regard to salary expenditure and the evolution of operational rates of exchange in 2011.

23. Extrabudgetary resources for the biennium 2012-2013 are estimated at $1,739,300 and will be utilized for a variety of activities related to supporting the work of the Office of the Prosecutor and the Registry. The estimated level of extrabudgetary resources reflects a decrease of $1,580,800 owing to the completion of several projects.

Table 1
Percentage distribution of resources by component

Component	*Regular budget*	*Extrabudgetary*
1. Chambers	4.4	—
2. Office of the Prosecutor	21.0	29.1
3. Registry	73.7	70.9
4. Records management and archives	0.9	—
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2008-2009 expenditure*	*2010-2011 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2012-2013 estimate*
			Amount	*Percentage*			
1. Chambers	16 373.1	14 356.0	(1 956.9)	(13.6)	12 399.1	84.2	12 483.3
2. Office of the Prosecutor	86 176.2	72 013.7	(13 254.1)	(18.4)	58 759.6	(72.5)	58 687.1
3. Registry	231 746.1	230 380.0	(23 968.6)	(10.4)	206 411.4	2 659.3	209 070.7
4. Records management and archives	3 446.5	3 762.1	(1 173.9)	(31.2)	2 588.2	57.7	2 645.9

Component	*2008-2009 expenditure*	*2010-2011 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2012-2013 estimate*
			Amount	*Percentage*			
Total (gross)	**337 741.9**	**320 511.8**	**(40 353.5)**	**(12.6)**	**280 158.3**	**2 728.7**	**282 887.0**
Income							
Income from staff assessment	42 040.1	30 424.3	(202.5)	(0.7)	30 221.8	437.9	30 659.7
Other income	292.7	277.5	22.0	7.9	299.5	—	299.5
Total (net)	**295 409.1**	**289 810.0**	**(40 173.0)**	**(13.9)**	**249 637.0**	**2 290.8**	**251 927.8**

(2) *Extrabudgetary*

	2008-2009 expenditure	*2010-2011 estimate*	*2012-2013 estimate*
Activities	3 161.5	3 320.1	1 739.3
Total (1) and (2)	**298 570.6**	**293 130.1**	**253 667.1**

Table 3
Post requirements

Category	*2010-2011 revised appropriation*	*Proposed reduction*		*Extrabudgetary*		*Total*	
		1 January 2012	*1 January 2013*	*2010-2011*	*2012-2013*	*2010-2011*	*2012-2013*
Professional and above							
USG	1	—	—	—	—	1	1
ASG	1	—	—	—	—	1	1
D-2	1	—	—	—	—	1	1
D-1	4	—	—	—	—	4	4
P-5	21	—	—	—	—	21	21
P-4/3	176	—	—	—	—	176	176
P-2/1	57	—	—	—	—	57	57
Subtotal	**261**	**—**	**—**	**—**	**—**	**261**	**261**
General Service							
Principal level	10	—	—	—	—	10	10
Other level	188	—	—	—	—	188	188
Subtotal	**198**	**—**	**—**	**—**	**—**	**198**	**198**
Other							
Security Service	87	—	—	—	—	87	87
Subtotal	**87**	**—**	**—**	**—**	**—**	**87**	**87**
Total	**546**	**—**	**—**	**—**	**—**	**546**	**546**

II. Programme of work and resource requirements

A. Chambers

24. At the beginning of the next biennium, the Chambers will comprise up to 24 judges (15 permanent judges and up to nine ad litem judges, including two judges of the International Criminal Tribunal for Rwanda assigned to the Appeals Chamber). The Chambers are the judicial organ of the Tribunal, performing its core activity: determination of the guilt of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Through their judicial activities, the Chambers will continue to ensure that all accused persons receive a fair trial without undue delay.

25. The main objective of the Chambers for the biennium 2012-2013 is to continue to undertake a total of nine first-instance trials, including one partial retrial; to complete all contempt cases related to the core trial work; and to complete all interlocutory appeals and appeals from judgement as expeditiously as possible. This workload includes the pretrial and trial of Ratko Mladić and Goran Hadžić following their arrest on 26 May and 20 July 2011, respectively. Maintaining a high level of activity at first instance is essential for the expeditious completion of trials. The influx of new appeals in 2011 and 2012, caused by the completion of most of the trial proceedings at both Tribunals, including several multi-accused trials, will necessitate a strengthening of the Appeals Chamber. For this reason, the statutes of the Tribunals were amended to allow for the redeployment of permanent judges from the Trial Chambers to the Appeals Chamber.

26. During the biennium 2010-2011, a total of 11 cases, including a retrial, involving 28 accused persons will have been heard by the Tribunal. The verdicts in four trials, involving 12 accused, will have been delivered. In addition, two contempt judgements will have been rendered. During the same period, a total of nine appeals on the merits, involving 23 convicted persons from the International Tribunal for the Former Yugoslavia will have been heard by the Tribunal. The Appeals Chamber also completed three review applications, one contempt appeal and three appeals from decision on referral. A total of seven trials, including one retrial, will be running during the second half of 2011. Four contempt cases are pending and there is the potential for others. Each contempt case poses the probability of an appeal. Appeals activity will also include numerous interlocutory appeals.

27. During the biennium 2012-2013, it is expected that the Chambers will work on a total of nine trials (including one partial retrial), 30 pre-appeal procedures, 22 appeals from final trial chamber judgements (11 from the International Tribunal for the Former Yugoslavia and 11 from the International Criminal Tribunal for Rwanda) and all interlocutory appeals arising from trials. The referral bench of the Chambers responsible for reviewing cases for possible trial in the region under rule 11 bis of the Rules of Procedure and Evidence will continue to be constituted. While no new referral applications are expected at the current stage, the bench deals with ongoing obligations relating to cases already transferred to domestic courts in the former Yugoslavia.

28. Among the ongoing trials, the *Karadžić* trial is expected to continue past the end of the biennium 2012-2013. Ratko Mladić and Goran Hadžić were arrested before the finalization of the budget document and the budget has been prepared on

the assumption that they will exercise their option for a full trial. The *Mladić* and *Hadžić* trials are thus also expected to continue past the end of the biennium 2012-2013, barring an unanticipated development, such as a guilty plea. To complete the first-instance trials expeditiously in all cases, it is anticipated that the Tribunal will require the continued services of 15 permanent judges and nine ad litem judges (including two judges of the International Criminal Tribunal for Rwanda assigned to the Appeals Chamber) to handle its first-instance or retrial cases. Additionally, with the arrest of Ratko Mladić and Goran Hadžić, there will be a need to form a trial chamber composed of a minimum of three judges as well as to assemble a Chambers legal support team.

29. During the biennium 2012-2013, the Appeals Chamber will continue to work on two multi-accused cases, involving up to 11 accused, which will be carried over from the biennium 2010-2011 (*Šainović et al.* and *Popović et al.*). The third multi-accused case (*Prlić et al.*) is expected to be on appeal following the trial judgement, which is expected to be rendered during the biennium 2012-2013. These multi-accused cases reflect a prosecutorial strategy of expediting cases by joining related indictments, whenever possible. While, generally, this strategy has saved time in completing first-instance trials, the volume of materials involved in such multiple-accused cases, including evidence, transcripts, briefs and submissions, represents a dramatic increase in the workload of the Appeals Chamber as these cases reach it. For example, in regard to the three multiple-accused cases that will be under way in 2012-2013, it is expected that the Appeals Chamber will be reviewing more than 115,462 pages of transcript and 19,641 exhibits and filings, including briefs, etc.

30. The current workload of the Appeals Chamber exceeds the current capacity of the Appeals Chamber judges and their staff. The significant increase in workload expected during the biennium 2012-2013, in particular with respect to the numerous multi-accused cases currently at trial, is such that the number of judges and staff will need to be increased. In this connection, the President of the International Tribunal for the Former Yugoslavia, following consultation with the President of the International Criminal Tribunal for Rwanda, has recommended to the Security Council an increase in the composition of the Appeals Chamber, from the current statutory level of seven judges (five for the International Tribunal for the Former Yugoslavia and two for the International Criminal Tribunal for Rwanda) to a total of 15 judges (nine for the International Tribunal for the Former Yugoslavia and six for the International Criminal Tribunal for Rwanda). In addition, provision is made in the proposed budget for the redeployment of legal staff from trials to appeals to backstop the strengthened Appeals Chamber during the biennium 2012-2013. However, staff attrition as staff continue to depart for more secure job opportunities outside the Tribunal continues to pose a significant challenge to completing the extensive work of the Appeals Chamber expeditiously.

31. The Chambers will continue to allow for a high level of courtroom activity by maximizing the use of available resources through the operation of the three courtrooms over two shifts daily, exceeding normal working hours. Where the health of the accused and the workload of the judges permit, many Chambers are holding extended sittings, beyond five hours per day. When considering the length of time required for the transport of the accused from the detention unit, and the time required for their return, the total day for the accused is quite extensive, exceeding in many instances eight or nine hours. Many judges are sitting on two or more trials and, where that is the case, the work day for some judges exceeds 12 hours when

time in court, required consultations on drafts, decisions and orders, or deliberations in reaching a judgement in their several trials are taken into consideration. Trial Chambers will continue to make use of available courtroom space to hold additional hearings in their cases. Some Chambers have modified the scheduled period of court recesses to hold extra sessions. The scheduled recesses are normally used to carry out essential maintenance of courtroom hardware and software systems, as well as for drafting judgements and decisions.

32. The Scheduling Working Group, chaired by the Vice-President of the Tribunal, will continue to be a key advisory tool for the completion strategy, as well as an indispensable tool for budget preparation purposes. The Working Group is currently dealing with both trial and appeal schedules. Measures aimed at expediting appeals adopted pursuant to the recommendations of the Working Group on Speeding Up Appeals will continue to be applied and new measures recommended in the report of the reconstituted Working Group on Speeding Up Appeals will also be implemented, including that of strict adherence to the requirement of good cause to vary time and word limits, and the practice of not delaying the briefing schedule on appeal for the translation of a judgement into Bosnian/Croatian/Serbian but permitting an appellant to bring a motion to amend the notice of appeal and/or appeal brief if necessary. The possibility of embedding translators in French-language trial teams and in teams dealing with cases of self-represented accused persons, as well as a number of measures aimed at minimizing the impact of delays in translation on the expeditious disposal of appeals continue to be explored, particularly as the Tribunal moves towards the delivery of the judgements in *Prlić et al.*, and *Šešelj*, which have been conducted in French and in which the judgement will be rendered in French.

33. The Office of the President will continue to provide legal advice and logistical support to the President of the Tribunal in the exercise of his or her functions. The President is the highest authority of the Tribunal, acting as its institutional head. He or she is responsible for the overall execution of the mission of the Tribunal and for representing the Tribunal before its parent body, the Security Council, and the General Assembly. The President performs representational functions vis-à-vis heads of mission, embassies of Member States and the Secretary-General.

34. Pursuant to rule 19 of the Rules of Procedure and Evidence, the President of the Tribunal also coordinates the work of the Chambers, supervises the activities of the Registry and exercises all other functions conferred on him or her by the statute and the Rules. These functions can be divided into the following three categories:

(a) Judicial functions: pursuant to article 14 (2) of the statute of the International Tribunal for the Former Yugoslavia and article 12 (2) of the statute of the International Criminal Tribunal for Rwanda, the President of the Tribunal is the presiding judge of the appeals chambers of both Tribunals. The President is responsible for notifying the Security Council of failures to comply with an obligation under the statute;

(b) Internal functions: pursuant to rule 23 bis of the Rules, the President of the Tribunal is the Chair of the Coordination Council responsible for ensuring the coordination of the activities of the three organs of the Tribunal;

(c) Quasi-judicial functions: pursuant to rule 23, the President is the Chair of the Bureau and is responsible for reviewing all major matters arising from the functioning of the Tribunal. The President also chairs, pursuant to rule 19 (A), the plenary meetings of the Tribunal during which the judges adopt and amend the

Rules and decide upon matters relating to the internal functioning of the Chambers and the Tribunal.

35. Pursuant to the statute, the rules and various directives, the President of the Tribunal is entrusted with the right of final review pertaining to matters such as the enforcement of sentences and legal aid/defence counsel issues. In accordance with article 13 ter of the statute, the President is also responsible for requesting the Secretary-General to appoint ad litem judges to the trial chambers.

36. For the biennium 2012-2013, a matter of primary importance for the Office of the President will be to continue to carry forward the completion strategy initiated by the Tribunal and endorsed by the Security Council in the presidential statement of 23 July 2002 (S/PRST/2002/21). In order to facilitate the implementation of the completion strategy, coordination must be maintained between the Tribunal and States and organizations involved in capacity-building of national judicial systems in the former Yugoslavia.

37. During the biennium 2012-2013, the Office of the President will be fully engaged with all judicial aspects associated with the International Residual Mechanism for Criminal Tribunals to ensure a smooth transition to and commencement of the Residual Mechanism.

Outputs

38. During the biennium, the following outputs will be delivered:

(a) Courtroom activities: initial appearances, status conferences, pretrial conferences, trials, appeals and delivery of judgements;

(b) Decisions relating to, inter alia, review and confirmation of indictments, arrest and other warrants, various pretrial motions, motions during trial and appeal, applications for additional evidence and interlocutory appeals and reviews;

(c) Judgements on the merits in relation to trials and appeals (appeal activities are for both tribunals);

(d) Judgements on contempt cases at both trial and appeal;

(e) Review of the Rules of Procedure and Evidence, Practice Directions and the Rules of Detention and proposal of amendments to the statute of the Tribunal to the Security Council;

(f) Reports of the President to the Security Council, as requested by a trial chamber or the Prosecutor, on non-compliance by States with orders of the Tribunal;

(g) Annual report to the General Assembly, biannual report to the Security Council and requests for international assistance to States;

(h) Press releases on matters of importance to the Tribunal as a whole;

(i) Special events: hosting of visiting dignitaries, usually at the level of ambassador or minister for foreign affairs, and Heads of State; establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal;

(j) Participation in exchanges of information with judges in the region, including in peer-to-peer, outreach and legacy activities, and provision of assistance in trials of alleged war criminals by regional courts;

(k) Relations with non-governmental organizations;

(l) Participation in activities within the United Nations system: annual statement by the President to the General Assembly, participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Criminal Tribunal for Rwanda and participation in discussions concerning other international judicial entities.

Table 4
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	14 356.0	12 399.1	—	—
Total	**14 356.0**	**12 399.1**	—	—

39. The amount of $12,399,100, reflecting a net decrease of $1,956,900 compared to the biennium 2010-2011, comprises non-post requirements, as follows: (a) $12,198,200 to provide compensation for eight permanent trial judges, five permanent appeals judges and nine ad litem judges based on 446 work-months; (b) $27,000 for the engagement of consultants to provide expertise not available in-house to undertake three specialized legal briefs per year; and (c) $173,900 for the travel of the President and Vice-President of the Tribunal to Headquarters in New York and to central and western Europe, of 22 judges to the Joint Judges Seminar (International Tribunal for the Former Yugoslavia/International Criminal Tribunal for Rwanda) and of judges to the field to view crime scenes.

40. The net decrease of $1,956,900 is mainly attributable to the gradual departure of five ad litem judges following the completion of first-instance trials during the biennium 2012-2013, and reduced requirements under consultants and common costs, partially offset by increases under pensions of former judges due to the payment of a one-time lump sum to ad litem judges approved by the General Assembly in its resolution 65/258 and under travel in relation to the establishment of information and documentation centres referred to in Security Council resolution 1966 (2010).

41. Costs relating to the two remaining appeals judges are included in the proposed budget for the International Criminal Tribunal for Rwanda (A/66/368).

B. Office of the Prosecutor

42. The Office of the Prosecutor is mandated to investigate and prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in

articles 2, 3, 4 and 5 of the statute of the International Tribunal for the Former Yugoslavia. The Prosecutor is responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those indicted and the presentation of charges and evidence against them before the Chambers of the Tribunal.

43. The biennium 2010-2011 was, for the Office of the Prosecutor, a period of intense activity marked by continued commitment to completing trials and appeals effectively in order to meet the goals of the completion strategy. It should be recalled that in December 2004 the Office met the first milestone of the completion strategy by issuing its final indictments.

44. To implement the Tribunal's completion strategy, the Office of the Prosecutor focused on transferring cases of intermediate and lower rank accused to the former Yugoslavia. The Office furthered the process of transferring cases of intermediate and lower rank accused under rule 11 bis and investigation files/dossiers to national jurisdictions. All rule 11 bis cases have now been transferred to States of the region and are now completed cases. All the investigative files/dossiers have also been transferred to the region and no further transfer will take place. However, assistance has been and continues to be provided to the prosecutors in the region in further investigation and prosecution in relation to these files/dossiers.

45. During the biennium 2010-2011, the Office of the Prosecutor took measures to expedite its work and increase efficiency. To improve judicial efficiency and expedite trials, the Office merged related indictments, whenever possible, and ran trials with more than three accused. Two of the three multiple-accused trials were completed during the biennium and a judgement is expected in the third at the end of June 2012. The merger of these high-level cases resulted in a substantial overall reduction in the length of proceedings.

46. During the biennium 2012-2013, in the context of the Tribunal's completion strategy, the activities of the Office of the Prosecutor will rest on the following four important priorities:

(a) Successful completion of trials and appeals

(i) During the biennium 2012-2013, the Office of the Prosecutor will be fully engaged in successfully completing six trials (involving 15 accused) out of the nine trials currently in the Tribunal's docket and increasing the pace of the appeals work. It is anticipated that the Office will have completed those six trials by the end of October 2012 and that the trials of Radovan Karadžić, Ratko Mladić and Goran Hadžić will continue into 2014. Appeals will continue into 2013 and 2014. On the basis of previous experience, it is expected that each first-instance decision will be appealed. It is therefore projected that, during the biennium 2012-2013, there will be 11 appeals, including in the three multiple-accused cases, involving a total of 30 persons;

(ii) To keep up the pace and schedule of the Chambers' work and to fulfil the goals of the completion strategy, it is crucial that the Office of the Prosecutor maintain an adequate level of resources. To support trials and appeals, the Office will require to maintain a sufficient number of trial attorneys, assisted by a core investigative capacity (including researchers, analysts and trial support staff) dedicated to completing trials and appeals. The estimates for the biennium 2012-2013, which are based on the court schedule projections, take into account the reduced trial workload;

(iii) As in the previous biennium, resources for the Office of the Prosecutor will be allocated in accordance with a workplan which sets out the requirements for all cases to be tried in 2012 and 2013. The plan foresees adequate allocation of resources, including attorneys, investigators, analysts, researchers and trial support staff, to all cases, whether in trial or appeal. To facilitate this review, cases have been divided according to their level of complexity;

(iv) In line with the Tribunal's completion strategy, the Office of the Prosecutor will continue to implement measures aimed at reducing the length of trials and improving judicial efficiency. Further, while taking into account the need to ensure the fairness of the judicial process, the Office of the Prosecutor will insist on taking measures to increase judicial efficiency. The Office will insist on putting forward proposals to the Tribunal's Rules Committee, headed by the judges, which formulates proposals to the Plenary of Judges, which can amend the Tribunal's Rules of Procedure and Evidence;

(v) To improve efficiency and support all trials and appeals effectively, the Office of the Prosecutor has undergone restructuring and organizational changes. One such change was that investigators, analysts, researchers and other trial support staff work directly on specific cases, under the leadership of a Senior Trial Attorney. The position of Chief of Prosecutions has been abolished and a more streamlined structure has been put in place to reflect the emphasis on the prosecutorial aspect of the work of the Office. Investigating staff members still have a crucial role to play and will be directly available to assist the legal staff working on each case. These measures have improved internal efficiencies and have enhanced the Office's work product;

(vi) The reorganization of the Office of the Prosecutor included positioning the Transition Team, the Request Unit, the Tracking Team and field office operations under the direct supervision of the Prosecutor, assisted by the Deputy Prosecutor. This measure improved coordination in matters of cooperation with the States of the former Yugoslavia, which included the tracking of fugitives, the transfer of cases and the provision of assistance to those States, together with capacity-building efforts.

(b) Transition

(i) All rule 11 bis cases have now been transferred to the region and have been completed. The transfer of all category II cases has been completed and work will be required to support the State Prosecutor's Office in Bosnia and Herzegovina. A further priority of the Office of the Prosecutor's strategy in the biennium 2012-2013 is to continue to support national prosecution and judicial authorities in the former Yugoslavia;

(ii) The core functions of the Transition Team are consistent with the Office of the Prosecutor's expressed commitment to transfer the responsibility for war crimes prosecutions from the international to the national level and related capacity-building. In his November 2008 report to the Security Council, the Prosecutor expressed his assessment that interaction with national prosecutors in the former Yugoslavia was continuing to develop, as were efforts to transfer know-how and help build the capacity of national courts (S/2008/729, para. 65);

(iii) The members of the Transition Team have developed procedures and have become very skilled and experienced in handling the material of the Office of the Prosecutor, applying great diligence in distinguishing "public" and confidential material and applying the respective procedures. To ensure the same standard of quality and efficiency is maintained at this interface between local prosecution offices/courts and the Office of the Prosecutor, core staffing is required to support this work during the biennium 2012-2013;

(iv) The Transition Team assembles and organizes available evidence, reviews the evidence, contacts witnesses, handles witness protection questions and other issues of confidentiality, such as issues related to the protection of material under rule 70. During and after the transfer of files, the Transition Team continues to assist local authorities by providing information and documents, responding to multiple requests for assistance and to queries, not only in relation to the transferred files but also in relation to other related cases handled by the Tribunal. The Transition Team has also facilitated access for local prosecutors to the document databases evidence collection and of the Office of the Prosecutor;

(v) The Office of the Prosecutor, in association with the Chambers and the Registry, will continue to be actively engaged in other capacity-building activities. The Office will continue its frequent contacts with the prosecutors and courts and, in that context, to participate in conferences, organize training courses and attend seminars and symposiums. In this connection, the Office of the Prosecutor developed a project with the support of the European Commission allowing visiting national prosecutors to spend time working with the Transition Team in order to access information and gain experience in the transition process. This project has proven to be immensely successful, with the visiting national prosecutors gaining experience working with the documentation of the Office of the Prosecutor and the Tribunal's Rules of Procedure and Evidence.

(c) Legacy

As the date of completion draws near, the Office of the Prosecutor will devote special attention to the legacy of the Tribunal's work. Some of the work product and tools of the Office will need to be preserved. The Immediate Office of the Prosecutor will play a central role in legacy matters, in coordination with the Registry and the Chambers. The Office of the Prosecutor is currently actively involved in the working groups concerned with archiving and the residual mechanism. This activity will continue during the biennium 2012-2013.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To prosecute in a timely and fair manner persons responsible for serious violations of international humanitarian law and ensure that the requirements of the Security Council are fulfilled with regard to the implementation of the completion strategy and to position the Office of the Prosecutor for the transfer of criminal cases against accused persons to the national courts of the former Yugoslavia

Expected accomplishments	Indicators of achievement
(a) Effective management and implementation of the completion strategy	(a) Number of first-instance trials completed during the biennium
	Performance measures
	2008-2009: 7 first-instance trials
	Estimate 2010-2011: 5 first-instance trials
	Target 2012-2013: 6 first-instance trials
(b) Effective provision of assistance to national judicial systems in the former Yugoslavia	(b) Number of requests for assistance from national jurisdictions processed and replied to
	Performance measures
	2008-2009: not available
	Estimate 2010-2011: 530
	Target 2012-2013: 700
(c) Efficient utilization of trial and appeal support resources	(c) (i) Number of ongoing trials
	Performance measures
	2008-2009: 15 trials
	Estimate 2010-2011: 11 trials
	Target 2012-2013: 9 trials
	(ii) Number of accused in appeals on the merit proceedings completed during the biennium
	Performance measures
	2008-2009: 10 persons
	Estimate 2010-2011: 8 persons
	Target 2012-2013: 15 persons

External factors

47. The Office of the Prosecutor is expected to meet its objective and expected accomplishments on the assumption that: (a) there is normal functioning of judiciaries in the States of the former Yugoslavia, including the War Crimes Chamber of the Court of Bosnia and Herzegovina, so that cases may be tried at the domestic level; and (b) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

48. During the biennium, the following outputs will be delivered:

(a) Prosecution outputs: witness statements, expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses; reports of on-site investigations; reports on military and civilian political structures and events, and on missions; collection of evidence; reports generated through computer searches of collected evidence for documents relevant to trials and appeals, and reports generated by computer searches for the purposes of disclosure under various rules; demographic reports and maps; requests for assistance; unofficial translations and English summaries of documents written in Bosnian, Croatian or Serbian; and limited project-based exhumation work;

(b) Outputs related to trial: filings related to the prosecution of cases and appeals, including amended indictments, motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements and miscellaneous applications for orders from judges or trial chambers, including applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants; court exhibits; training courses including induction, legal issues and advocacy; and legal opinions on issues of international law;

(c) Information management outputs: indexes of evidentiary material and information sources, including witness statements, videotapes and audiotapes, intelligence material submitted under rule 70, and press and other relevant, freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and modifications to computer systems, and database applications for the Office of the Prosecutor, including the Electronic Disclosure System, CaseMap, Sanction and e-Court software packages; and training courses for all staff;

(d) Provision of support after the transfer of cases to the States of the former Yugoslavia: support to local officials regarding the transfer of dossiers, review of requests and preparation of answers; exchange of knowledge with domestic prosecution authorities; and exchange of know-how and training;

(e) Legacy issues: engaging in coordination with the Registry and Chambers in the preparation of the files and electronic data to be preserved and forming part of the Tribunal's legacy;

(f) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation; and press releases, speeches, statements and briefings.

Table 6
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Post	31 510.0	26 401.0	117	117
Non-post	31 771.6	23 836.4	—	—
Staff assessment	8 732.1	8 522.2	—	—
Subtotal	**72 013.7**	**58 759.6**	**117**	**117**
Extrabudgetary	747.8	505.6	—	—
Total	**72 761.5**	**59 265.2**	**117**	**117**

Table 7
Post requirements

		Proposed reduction		*Extrabudgetary*		*Total*	
Category	*2010-2011 revised appropriation*	*1 January 2012*	*1 January 2013*	*2010-2011*	*2012-2013*	*2010-2011*	*2012-2013*
Professional and above							
USG	1	—	—	—	—	1	1
D-2	1	—	—	—	—	1	1
D-1	1	—	—	—	—	1	1
P-5	8	—	—	—	—	8	8
P-4/3	57	—	—	—	—	57	57
P-2/1	14	—	—	—	—	14	14
Subtotal	**82**	—	—	—	—	**82**	**82**
General Service							
Other level	35	—	—	—	—	35	35
Subtotal	**35**	—	—	—	—	**35**	**35**
Total	**117**	—	—	—	—	**117**	**117**

49. Resources under posts and staff assessment in the amount of $26,401,000 and $8,522,200, respectively, would provide for the continuation of 117 temporary posts required during the biennium 2012-2013. The reduction under posts ($5,109,000) and staff assessment ($209,900) is due to the delayed effect of 49 posts that were only abolished in the second year of the biennium 2010-2011.

50. Non-post requirements in the amount of $23,836,400, reflecting a decrease of $7,935,200, would provide for general temporary assistance, including peak trial and appeals support, the document translation and indexing project, overtime, expert witnesses and consultants to assist trial teams in the trial stages of proceedings, travel of investigators and prosecutors, and contractual services for the ongoing training of the staff of the Office of the Prosecutor.

51. The provision under general temporary assistance also includes requirements to cover the functions of posts abolished during the biennium 2010-2011 which are still needed during the biennium 2012-2013. It is proposed to gradually reduce these requirements during the biennium. The total requirements in this respect for the biennium are estimated at 2,064 work-months.

52. The decrease of $7,935,200 under non-post costs reflects reduced requirements under other staff costs ($7,618,400), consultants and experts ($11,600) and travel of staff ($328,200) due mainly to the reduction in trial activity in 2013, partly offset by an increased requirement under contractual services ($23,000) due to increased appellate activity.

C. Registry

53. The Registry is responsible for the judicial administration of the Tribunal. It is composed of three main organizational units, namely, the Office of the Registrar, the Division of Judicial Support Services and the Division of Administration. For budgetary purposes, the Office of the President and the resident auditors are included under the Registry.

54. For the biennium 2012-2013, the Registry will focus on five principal objectives:

(a) Provision of continued support to trials and appeals in order to complete the Tribunal's mandate as expeditiously as possible;

(b) Preparation and implementation of the transition to the Residual Mechanism and commencement of operation of The Hague branch of the Mechanism;

(c) Provision of continued support to national judicial systems in the former Yugoslavia through the transfer of know-how, capacity-building and the Tribunal's legacy projects;

(d) Implementation of the Tribunal's communications strategy and outreach programme;

(e) Provision of support to administrative policies and practices concerning staff retention, including establishing appropriate career transition policies as well as staff training and development, and ensuring that the downsizing exercise is undertaken in a fair and transparent manner.

55. Throughout most of 2012, the Registry will be supporting the undertaking of up to nine simultaneous trials, two of which involve very complex cases of high-profile accused (Karadžić and Mladić). In addition, it is envisaged that, during the biennium, there will be up to three cases involving self-represented accused. Experience has shown that trials of self-represented accused are extremely demanding in terms of workload for the Division of Judicial Support Services, as additional resources and time must be allocated to ensure that the self-represented accused are provided with adequate facilities, documentation in a language that they understand and resources for the conduct of their defence. Furthermore, trials of self-represented accused typically generate a higher number of motions, interlocutory appeals and judicial challenges than regular cases, which in turn generates additional workload for the Registry. By the end of 2012 the Tribunal will shift its focus towards appeals proceedings, while continuing to support three trials, including the trials of two high-profile accused. It is envisaged that appellate proceedings for three multiple-accused cases, each involving six or more accused (*Prlić et al.*, *Šainović et al.* and *Popović et al.*) will continue in 2012-2013.

56. In the next biennium, the capacity of the Registry will continue to be principally dedicated to supporting trial and appeal activity and ensuring the efficient conduct of fair proceedings. The need for efficient proceedings is all the more crucial in view of factors beyond the Tribunal's control that may have an impact on the speed with which trials and appeals can be completed. For example, delays in proceedings resulting from requests for review of cases already concluded, unforeseen disclosure of materials, requests for the replacement of the defence counsel, illness of the accused or counsel, the availability of witnesses to provide testimony and State cooperation may affect the timely completion of a trial or appeal. The Registry, within the scope of its competency, will continue to support the implementation of measures aimed at reducing the length of trials and appeals and enhancing efficiency.

57. In support of the second objective, the Registry will play a critical role in ensuring the coordinated transition of functions to the Residual Mechanism and the effective start-up of operations of The Hague branch of the Mechanism. The Mechanism will coexist with the Tribunals in the biennium 2012-2013, allowing the Tribunals and the Mechanism to share resources, provide mutual support and achieve beneficial cooperation during the period of their coexistence. The Registry will work together with the Registries of the Mechanism and of the International Criminal Tribunal for Rwanda to ensure that the transfer of functions and operations from the Tribunals proceeds in the most cost-efficient, effective and practical manner. Furthermore, the Registry will also play a very active role in assisting the Mechanism to develop its policies, procedures and structure, with a view to facilitating a smooth start-up of operations and ensuring the transfer of best practices and lessons learned.

58. With regard to the third objective, the completion strategy foresees the strengthening of national judicial systems and increased domestic prosecutions as integral to the achievement of the Tribunal's mandate, and the Registry will continue to provide essential support to these efforts. In the biennium 2012-2013, the Registry will continue to provide essential support to national judicial systems in the region of the former Yugoslavia, in particular through responding to requests for assistance from national authorities in connection with documents and other evidentiary material held by the Tribunal, as well as in relation to the continuing

protection of witnesses. The Registry will also be engaged in the transfer of know-how and other capacity-building activities in the region of the former Yugoslavia, including by training domestic judicial and prosecutorial training professionals ("training the trainers"), working with partners to translate Tribunal materials into the local languages and improving access by national legal professionals to the Tribunal's records and archives.

59. In the context of preserving the Tribunal's legacy, in 2010 the Tribunal organized, with sponsorship from the Government of the Netherlands and the University of California, Los Angeles, School of Law a conference on the theme "Assessing the legacy of the International Tribunal for the former Yugoslavia" whose primary objective was to promote coordination and cooperation among various actors in order to strengthen efforts to utilize the Tribunal's legacy for the promotion of the rule of law, peace and justice in the former Yugoslavia and beyond. Following the conference, the Tribunal prepared a report on its comprehensive legacy strategy. This report will be further discussed during the second legacy conference in November 2011.

60. With regard to the fourth objective, in 2010 the Registry undertook a comprehensive review and planning exercise and developed a revamped communications strategy and outreach programme in order to enhance its communications and external relations efforts. As part of this revamped strategy, the Registry implemented a reorganization of the Communications Section, achieving efficiencies and enhanced coordination between that Section and the Office of the Registrar. During the next biennium, the Registry will continue to implement its communications strategy and outreach programme to ensure awareness of the Tribunal's activities and achievements, and strengthen cooperation and the exchange of information with stakeholders within and outside the former Yugoslavia.

61. The fifth main objective encompasses special measures to retain staff, including measures aimed at career transition and meeting staff development and training needs. The Registry will continue to support these initiatives throughout the biennium 2012-2013, including by enabling staff to engage in cross-training, as well as by assisting them to explore future employment opportunities. Furthermore, in 2010, the Registry successfully implemented, in partnership with staff representatives, a procedure to implement the downsizing of staff in line with the abolition of posts. The Registry is committed to ensuring that this exercise will continue to be implemented and communicated in an open and transparent manner, taking into consideration the interests of both the staff and the organization.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: The efficient administration and servicing of the Tribunal by the management of judicial, administrative and legal support to Chambers, the Office of the Prosecutor and, in a limited fashion, the defence, in line with the statute of the Tribunal, the Rules of Procedure and Evidence, United Nations regulations and rules and the Tribunal's completion strategy

Expected accomplishments	Indicators of achievement
(a) Timely implementation of formal actions taken in accordance with the agreed-upon completion strategy	(a) Percentage of actions completed on time *Performance measures* 2008-2009: 95 per cent Estimate 2010-2011: 95 per cent Target 2012-2013: 95 per cent
(b) Increased public awareness of the activities of the Tribunal	(b) (i) Number of page views on the website of the Tribunal *Performance measures* 2008-2009: 4.8 million page views Estimate 2010-2011: 6.4 million page views Target 2012-2013: 7.5 million page views (ii) Number of visitors to the Tribunal's premises (physical visitors) *Performance measures* 2008-2009: 16,000 visitors Estimate 2010-2011: 17,500 visitors Target 2012-2013: 18,000 visitors
(c) Improved dissemination of information in the Bosnian, Croatian and Serbian languages (for court proceedings, considered by the Tribunal to be one language)	(c) Number of days between receipt and distribution of material *Performance measures* 2008-2009: 0 to 2 days Estimate 2010-2011: 0 to 2 days Target 2012-2013: 0 to 2 days

(d) Needs of clients for sound, comprehensive and timely advice on legal and related policy matters are met	(d) (i) Number of agreements and memorandums of understanding negotiated and contracts on which advice is given *Performance measures* 2008-2009: 110 agreements Estimate 2010-2011: 100 agreements Target 2012-2013: 90 agreements (ii) Number of provisional agreements by States for the enforcement of individual sentences *Performance measures* 2008-2009: not available Estimate 2010-2011: not available Target 2012-2013: 22 (iii) Number of legal submissions in ongoing proceedings pursuant to rule 33 (B) *Performance measures* 2008-2009: 208 Estimate 2010-2011: 240 Target 2012-2013: 200
(e) Effective legal support provided to judges	(e) Number of timely oral and written decisions and judgements *Performance measures* 2008-2009: 3,450 Estimate 2010-2011: 1,600 Target 2012-2013: 1,400
(f) Successful compliance with the Tribunal's legal aid system	(f) Number of cases in which a supplemental payment is required to ensure a fair trial *Performance measures* 2008-2009: 3 cases Estimate 2010-2011: 3 cases Target 2012-2013: 3 cases

(g) Effective judicial support services provided to Chambers, the Office of the Prosecutor and defence counsel	(g) Level of client satisfaction *Performance measures* 2008-2009: 95 per cent Estimate 2010-2011: 95 per cent Target 2012-2013: 95 per cent
(h) Effectiveness of administrative services maintained	(h) Degree of satisfaction expressed by recipients of various administrative services *Performance measures* 2008-2009: 95 per cent Estimate 2010-2011: 95 per cent Target 2012-2013: 95 per cent
(i) Timely finalization of monthly financial reports	(i) Time between the end of the month and the issuance of financial reports *Performance measures* 2008-2009: 8 working days Estimate 2010-2011: 8 working days Target 2012-2013: 8 working days

External factors

62. The Registry is expected to meet its objective and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the provision of information and other forms of assistance; (b) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings or the non-availability of witnesses to certify statements and provide testimony; and (c) the turnover rate of the Tribunal's staff remains within acceptable limits.

Outputs

63. During the biennium, the following outputs will be delivered:

(a) Victims and Witnesses Section: provision of safe transportation of witnesses from their residence to The Hague; liaison with States for exit and entry permits, travel documents, safe-conduct agreements and visas for pretrial and post-trial protection; provision of support services for the temporary and permanent relocation of witnesses; liaison with host Governments for the protection, safe accommodation and transportation of witnesses during trials; and implementation of the Tribunal's policies regarding the payment of entitlements, such as the reimbursement of lost earnings and the clothing allowance;

(b) Defence counsel services: provision of access to legal assistance for suspects and accused persons; review of claims of indigence from suspects and accused persons and assessment of their financial status; and implementation of the directive on the assignment of defence counsel and legal aid practices;

(c) Court management: implementation of procedures relating to the confirmation, amendment or withdrawal of indictments, the issuing of arrest warrants, the addressing of cases of failure to execute a warrant, the appearance of the accused, detention on remand and provisional release, and procedures to obtain depositions; organization and scheduling of trials and other hearings, cases of contempt of court, procedures relating to amici curiae, summoning of witnesses and experts, and judicial recordkeeping; and procedures relating to appellate and review proceedings, pardons and commutations of sentence;

(d) Immediate Office of the Registrar: leading the implementation of Security Council resolution 1966 (2010) on the establishment of the Residual Mechanism; negotiation of international agreements on the enforcement of sentences and relocation of witnesses; liaison with the host country on privileges and immunities of judges and staff; liaison with Member States, international organizations and United Nations Headquarters on matters pertaining to the mandate and funding of the Tribunal; facilitation of requests for assistance from the region of the former Yugoslavia; and drafting of policy papers, directives and guidelines relating to legal practice;

(e) Detention facility management: provision of a secure detention facility for detainees; provision of a remand programme and medical care in accordance with international standards and with the Tribunal's Rules of Detention; negotiation and cooperation with the host State authorities to ensure that the detention facilities of the Tribunal meet the standards set out in existing agreements and required by non-governmental organizations responsible for monitoring such facilities;

(f) Conference and language support: provision of simultaneous interpretation for all court hearings into and from English, French, Bosnian/Croatian/Serbian and other languages as required, and consecutive interpretation during interviews with victims and witnesses; translation into and from English, French and Bosnian/Croatian/Serbian for the Registry, the Chambers, the Office of the Prosecutor and the defence; and transcripts of court proceedings in English and French for every hearing in the courtroom and for the plenary meetings of judges;

(g) Publications: publication of various information materials relating to court activity and the broader work of the Tribunal;

(h) Electronic, audio and video issuances: creation of multimedia content distributed through the website; maintenance of social media platforms; production and broadcast (in electronic format) of trial exhibits within the courts; and time-delayed webcasts of Tribunal proceedings in English, French and Bosnian/Croatian/Serbian;

(i) Booklets, pamphlets and fact sheets: publication of regular bulletins on Tribunal activities, including through new media and social media networks;

(j) Press releases and briefings: issuance of press releases and distribution of information to the local, national and international press regarding trial activities;

(k) Library services: provision of library services regarding international and national law relevant to the operations of the Tribunal for the use of judges, staff and defence counsel; and provision of online information services to assist staff, in particular the legal officers and judges, with legal research and greater access to bibliographic information;

(l) Administrative support: processing of financial documents; preparation of the proposed budget and annual performance reports; exercise of budgetary control and post management in respect of assessed budget and extrabudgetary resources; formulation of draft administrative responses to external and internal oversight bodies; screening of applications for vacant posts; implementation of staff development and training programmes; arrangement of travel and issuance of tickets and vouchers for judges, staff members, witnesses and other persons; undertaking of property management and inventory control; implementation, operation and maintenance of the information technology infrastructure; purchase and contracting of goods and services; and provision of a safe and secure environment for all VIPs, staff and visitors.

Table 9
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Post	87 707.2	79 685.3	429	429
Non-post	120 980.6	105 212.0	—	—
Staff assessment	21 692.2	21 514.1	—	—
Subtotal	**230 380.0**	**206 411.4**	**429**	**429**
Extrabudgetary	2 572.3	1 233.7	—	—
Total	**232 952.3**	**207 645.1**	**429**	**429**

Table 10
Post requirements

Category	2010-2011 revised appropriation	Proposed reduction		Extrabudgetary		Total	
		1 January 2010	1 January 2011	2010-2011	2012-2013	2010-2011	2012-2013
Professional and above							
ASG	1	—	—	—	—	1	1
D-1	3	—	—	—	—	3	3
P-5	13	—	—	—	—	13	13
P-4/3	119	—	—	—	—	119	119
P-2/1	43	—	—	—	—	43	43
Subtotal	**179**	—	—	—	—	**179**	**179**
General Service							
Principal level	10	—	—	—	—	10	10
Other level	153	—	—	—	—	153	153
Subtotal	**163**	—	—	—	—	**163**	**163**
Other							
Security Service	87	—	—	—	—	87	87
Subtotal	**87**	—	—	—	—	**87**	**87**
Total	**429**	—	—	—	—	**429**	**429**

64. Resources under posts and staff assessment in the amount of $79,685,300 and $21,514,100, respectively, would provide for the continuation of 429 temporary posts required during the biennium 2012-2013. The reduction under posts ($8,021,900) and staff assessment ($178,100) is due to the delayed effect of 102 posts that were only abolished in the second year of the biennium 2010-2011.

65. Non-post requirements in the amount of $105,212,000, reflecting a decrease of $15,768,600, would provide for general temporary assistance, including translation and interpretation, consultants and experts, travel of staff, contractual services, including defence counsel and detainee services, general operating expenses, hospitality, supplies and materials, furniture and equipment, improvement of premises and grants and contributions.

66. The provision under general temporary assistance also includes requirements to cover the functions of posts abolished during the biennium 2010-2011 which are still needed during the biennium 2012-2013. It is proposed to gradually reduce these requirements during the biennium. The total requirements in this respect for the biennium are estimated at 3,357 work-months.

67. The decrease of $15,768,600 in non-post requirements reflects reduced requirements under other staff costs ($5,090,200), consultants and experts ($82,300), travel of staff ($282,600), contractual services ($8,571,600), general operating expenses ($217,000), supplies and materials ($331,900), furniture and equipment ($1,055,400) and grants and contributions ($240,400) due mainly to the reduction in trial activity in 2013, partly offset by an increase under improvement of premises

($102,800) due to the need for enhancement of the fire alarm and evacuation system.

D. Records management and archives

68. In June 2007, an archive strategy meeting was held in The Hague with the participation of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Archives and Records Management Section of the Office of Central Support Services and the Office of Legal Affairs to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two international tribunals. The archive strategy meeting led to the establishment of the Joint Archives Strategy Working Group, which includes representatives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Archives and Records Management Section of the Office of Central Support Services and the Office of Legal Affairs and which continues to work to implement a comprehensive and coordinated strategic plan for archives and records management and to identify key stakeholders and resources available to assist as the archives and records management functions move towards transition to the Residual Mechanism.

69. Under the provisions of Security Council resolution 1966 (2010), the records and archives functions of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda will be transferred to the Residual Mechanism during the biennium 2012-2013. Pursuant to article 27 of its statute, the Mechanism is to be responsible for the management, including preservation and access, of the archives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Mechanism, which together constitute the international criminal tribunal archives. After each of its branches has been established, the Mechanism will have exclusive competence over and responsibility for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda which are to be co-located with the respective branches of the Mechanism. The budgets of the International Tribunal for the Former Yugoslavia and of the Mechanism have been developed on the assumption that the transfer of the management of the archives will take place as of 1 July 2012. Accordingly, the resource requirements for the archives component of the budget of the International Tribunal for the Former Yugoslavia cover the first six months of the biennium, whereas the resource requirements for the archives for the remaining 18 months of the biennium are covered under the budget of the Mechanism. The budget of the International Tribunal for the Former Yugoslavia for the biennium 2012-2013, under the archives component, does however contain provisions relating to backlog projects until the end of the biennium.

70. The achievements of the Tribunal records management and archives component during the biennium 2010-2011 are detailed below. In order to facilitate effective implementation of the transition to the Mechanism and the strategic plan for the archives of the Tribunal, the Archives and Records Management Unit has focused on centralizing the archiving functions in the Tribunal by ensuring a coordinated and uniform approach to all three organs of the Tribunal. The achievements of the unit include:

(a) A review of the business processes of the Tribunal, specifically with a view to confirming, where possible, that the existing record retention schedules captured the complete records processes of the Tribunal. The result of this review was the identification of many records and records systems previously not incorporated in the strategy;

(b) The implementation of projects to compile inventories of the Tribunal's hard-copy and electronic records;

(c) The implementation of projects to identify, index and audit specific categories of records which have been earmarked for permanent preservation as archives;

(d) The identification of the specific and concrete support required from the Office of Legal Affairs, the Archives and Records Management Section, the Department of Public Information and the Office of Information and Communications Technology in order to achieve the transfer of all records by the mandated date;

(e) The digitization of the audio-visual records of the Tribunal;

(f) The submission of the revised draft retention schedules to the Archives and Records Management Section for review and approval;

(g) The completion of several large-scale projects relating to the preparation of records held in the Office of the Prosecutor;

(h) The provision of support to data-entry initiatives throughout the Tribunal through the use of records management software, the configuration of standards and the allocation of staff to assist in areas with deficiencies;

(i) Discussion with the Joint Archives Strategy Working Group with a view to implementing a uniform digital records policy;

(j) Development of a draft security and access regime that facilitates, to the maximum extent possible, access by the public to the Tribunal's records, while preserving the confidentiality and special regimes of certain judicial records.

Table 11
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	3 762.1	2 402.7	—	—
Staff assessment	—	185.5	—	—
Total	**3 762.1**	**2 588.2**	—	—

71. The non-post requirements, amounting to $2,402,700, consist of general temporary assistance ($775,300), consultants ($75,000), contractual services ($642,400) and furniture and equipment ($910,000).

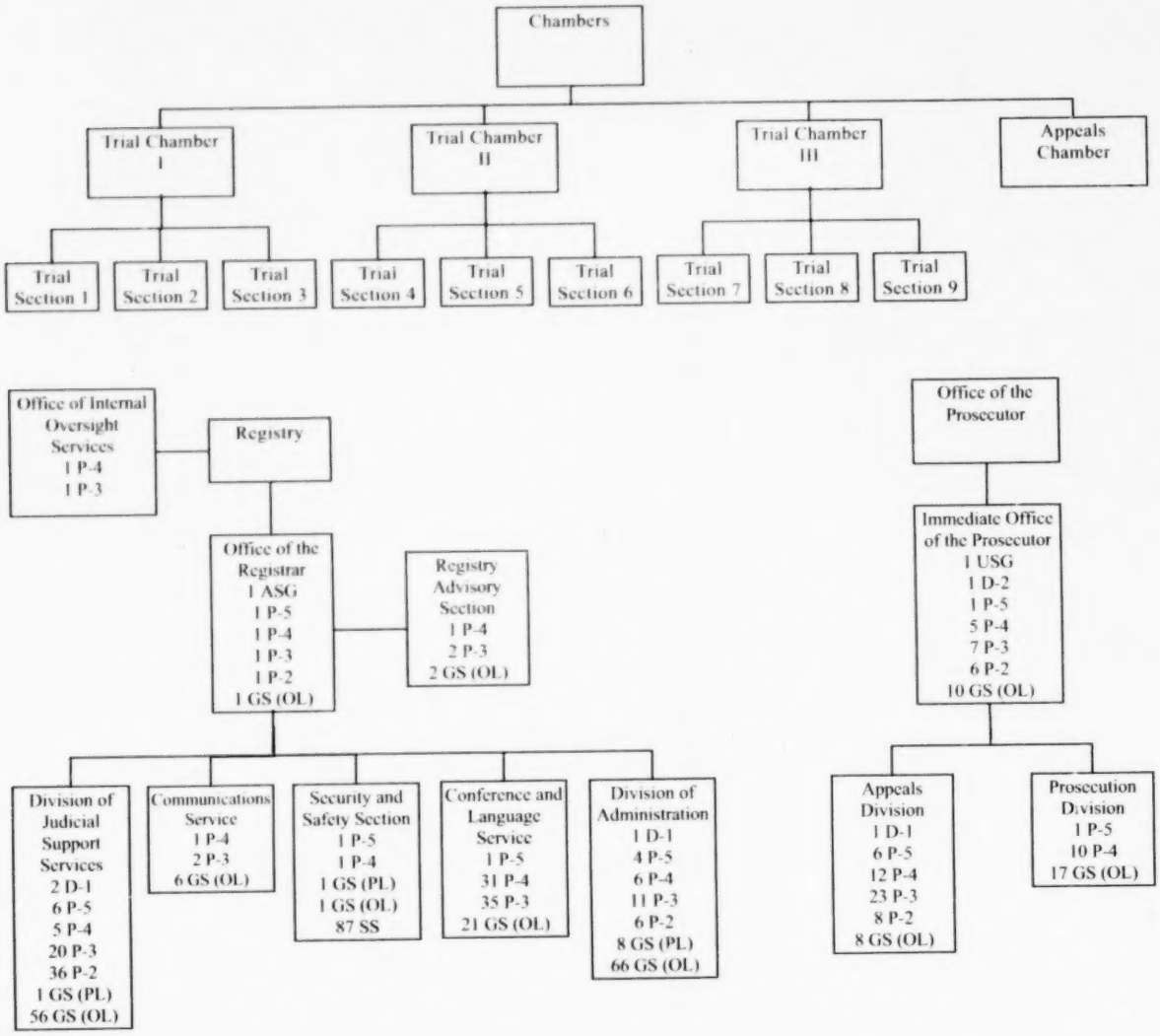
72. The decrease of $1,359,400 reflects the reductions under other staff costs ($1,083,900), travel of staff ($24,800), and furniture and equipment ($413,300) due mainly to the transfer of the archives to the Residual Mechanism, partly offset by increased requirements under consultants ($16,500) and contractual services ($146,100).

Table 12
Summary of follow-up action taken to implement relevant recommendations of the Board of Auditors

Brief description of the recommendation	*Action taken to implement the recommendation*
The Board recommended that, in coordination with the Programme Planning and Budget Division of the Secretariat, a results-based-budgeting logical framework be formulated for the Archives and Records Management Unit of the Tribunal (A/65/5/Add.12, para. 35).	The archives functions will be transferred to the Residual Mechanism as of 1 July 2012. The Tribunal has included a results-based budgeting logical framework in the submission for the archives component of the budget of the Residual Mechanism for the biennium 2012-2013.
The Board recommended that the Tribunal make every effort to comply with the requirement set out in the Procurement Manual relating to the approval of the minutes of meetings of the Local Committee on Contracts (ibid., para. 44).	The Tribunal accepted this recommendation and noted that while committee meeting minutes are generally finalized and distributed within 10 business days, delays sometimes occur owing to requests by committee members for follow-up documentation from either the business owner or the Procurement Section, without which the committee cannot finalize minutes. Likewise, delays in finalizing minutes have occasionally been caused by force majeure circumstances, such as unforeseen absences of committee members due to illness or last-minute official missions. The committee regularly reviews its statistics on the time required to finalize minutes, with a view to ensuring that delays, if any, beyond the time limit are kept to an absolute minimum.
The Board recommended that the requirement set out in paragraph 14 of the delegation of authority by the Assistant Secretary-General for Central Support Services relating to cases involving gift, donation, other free transfer or sale of assets be strictly adhered to (ibid., para. 59).	The Tribunal agreed that the requirement set out in paragraph 14 of the delegation of authority by the Assistant Secretary-General for Central Support Services relating to cases involving gift, donation, other free transfer or sale of assets be strictly adhered to. In the intervening period, the Tribunal has secured the approval of the Assistant Secretary-General for Central Support Services for the disposal plan, which has fully addressed the issue raised in this recommendation.

Brief description of the recommendation	*Action taken to implement the recommendation*
The Board recommended that every effort be made to reduce the vacancy rate in the Appeals Division of the Office of the Prosecutor in order to accommodate the workload indicated in the completion strategy (ibid., para. 64).	The Tribunal explained that as trial-related posts are released by the Trial Division following the completion of trials and become vacant they are reassigned to the Appeals Division; hence the vacancy rate in this Division. Nonetheless, the Tribunal will make every effort to ensure that the vacancy rate is kept to a minimum.
The Board recommended that the Tribunal make every effort to comply with rule 4.2 of the administrative instruction on consultants and individual contractors in order to enhance competitiveness in the consultant selection process (ibid., para. 73).	The Tribunal has begun advertising consulting opportunities on its public website for projects and training. In addition, the Tribunal will utilize global rosters available within the UNLEARNING system and consult with the Office of Human Resources Management on consultant lists. The individual contractor candidates are taken from competitive selection exercises in which candidates have been reviewed and placed on lists for short-term placement.

International Tribunal for the Former Yugoslavia
Organizational structure and post distribution for the biennium 2012-2013



Abbreviations: GS, General Service; PL, Principal level; OL, Other level; SS, Security Service.

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Sixty-sixth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-sixth year

Identical letters dated 29 September 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statements of the Ministry of Foreign Affairs of Georgia in reaction to the State Duma's adoption of laws on the ratification of the agreements on the establishment of integrated military bases in Georgia's occupied territories, to the opinions expressed by the Russian Foreign Minister during a high-level meeting of the sixty-sixth session of the General Assembly on 27 September 2011 and to the presence of a Russian delegation, headed by the Chair of Russia's Federation Council, at the "inauguration" of the so-called "President of Abkhazia" (see annexes I, II and III).

I should be grateful if the present letter and its annex could be circulated as a document of the sixty-sixth session of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

11-52632 (E) 041011

Please recycle

Annex I to the identical letters dated 29 September 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Georgian Foreign Ministry in reaction to the State Duma's adoption of laws on the ratification of the agreements on the establishment of integrated military bases in Georgia's occupied territories

On 22 September 2011, the State Duma of the Russian Federation passed two laws: on the ratification of the so-called "Agreement on the establishment of an integrated Russian military base on the territory of the so-called 'Republic of Abkhazia'" (between the Russian Federation and the occupation regime it has created in Abkhazia); and on the ratification of the so-called "Agreement on the establishment of an integrated Russian military base on the territory of the so-called 'Republic of South Ossetia'" (between the Russian Federation and the occupation regime it has created in the Tskhinvali region/South Ossetia).

By having its legislative body formally approve such illegal and irresponsible actions, the Russian Federation is attempting to legitimize the establishment of Russian military bases on the sovereign territory of Georgia (without the consent of the Georgian Government) and is continuing its rapid militarization of Georgia's occupied territories in breach of the provisions of the Treaty on Conventional Armed Forces in Europe. The aforesaid is further proof that Russia — by illegally suspending its observance of the provisions of the Treaty — has created the preconditions for the uncontrolled expansion of its own military forces within the Treaty's area of application.

These extremely dangerous steps, which Russia has taken in breach of its international obligations and of universally recognized norms and principles of international law, are not only a serious threat to peace and stability in the Caucasus, Black Sea and Caspian regions but also to peace and stability in Europe as a whole.

Georgia condemns Russia's actions and calls upon the international community to influence the Russian Federation and to compel it to respect its international obligations and to immediately begin to withdraw its forces from Georgian territory.

Tbilisi, 22 September 2011

Annex II to the identical letters dated 29 September 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Georgian Foreign Ministry in reaction to the opinions expressed by the Russian Foreign Minister during a high-level meeting of the sixty-sixth session of the General Assembly on 27 September 2011

On 27 September 2011, in his speech to the sixty-sixth session of the General Assembly, the Russian Foreign Minister, Sergei Lavrov, once again tried to accuse Georgia of starting the hostilities of August 2008 and once again confirmed Moscow's readiness to be "a guarantor of arrangements regarding the non-use of force between Georgia, South Ossetia and Abkhazia".

With such statements, Russia is continuing its hypocritical and self-righteous attempts to assure the international community that it is a peacekeeper and not a party to the conflict and that the Russian Government is therefore capable of guaranteeing peace and security in the region. In doing so, Moscow is once again trying to create an illusion whereby the occupation regimes it has created in Georgia's occupied territories should be considered as being subject to international law. Mr. Lavrov's statement also unequivocally indicates that the Russian Government is pursuing its attempts to establish so-called "lines of demarcation" and "exclusive spheres of influence" in Europe.

Since the day Georgia regained its independence, the Russian Federation has been continually and purposefully seeking to undermine Georgia's statehood, sovereignty and territorial integrity, and has regularly and blatantly been in breach of many fundamental principles and norms of international law. Russia cares nothing for bilateral and multilateral obligations, including provisions of the Ceasefire Agreement of 12 August 2008.

It should be noted that the Georgian Government unilaterally expressed its willingness to abide by the principle of the non-use of force on 23 November 2010. Russia has not, however, responded in kind to date. The Russian Federation is obliged to renew the commitment it made — as part of the Ceasefire Agreement of 12 August 2008 — not to use force against Georgia, but the Russian Government will, however, not be able to escape from this obligation by making statements such as the one Mr. Lavrov recently made. A commitment to the principle of the non-use of force, the establishment of international mechanisms to ensure the security of Georgia's occupied territories and the return of refugees and internally displaced persons to their homes will be the main issues of the seventeenth round of the Geneva talks, to be held on 4 October 2011.

Mr. Lavrov's recent "peacekeeping" statement sounds particularly cynical when one considers the fact that Russia has deployed offensive forces in Georgia's occupied territories and that the Russian military is training these occupation troops, is rapidly building up stocks of armaments and is voicing a lot of military rhetoric. Everyone will no doubt remember the member of the Russian State Duma

Bagdasarov who spoke several days ago about the necessity of starting a war against Georgia before 2014.

Considering the above-mentioned facts, it is clear that the Russian Federation must — as soon as possible — renew its obligation under international law not to use force against Georgia. Only through such measures will Russia be able to slightly improve stability and security in the region.

Tbilisi, 28 September 2011

Annex III to the identical letters dated 29 September 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Georgian Foreign Ministry in reaction to the presence of a Russian delegation, headed by the Chair of Russia's Federation Council, at the "inauguration" of the so-called "President of Abkhazia"

On 26 September 2011, a Russian delegation, headed by the Chair of Russia's Federation Council, Valentina Matviyenko, attended the "inauguration" of the so-called "President of Abkhazia" in Georgia's occupied region of Abkhazia.

It is no secret that the so-called "official visits" to the occupied territories of sovereign States of high-ranking Russian officials are nothing more than attempts to confer an illusion of legitimacy upon the regimes which the Russian Government itself has created in Georgia's occupied territories. Such "official visits" to the regions of Abkhazia or Tskhinvali obviously change nothing for these occupation regimes. To date, Russian efforts have resulted in turning Georgia's occupied regions into an enormous military base — a major source of destabilization for the Black Sea region and for Europe as a whole.

This recent visit of the newly elected and appointed Chair of the Russian Federation Council is an obvious breach of the Georgian Constitution and of commonly recognized norms and principles of international law, as well as a violation of the sovereignty of the Georgian State. The Russian Government has once again demonstrated that it cares nothing for international obligations, and that it never intended to and never will respect any of the provisions of the Ceasefire Agreement of 12 August 2008.

The Georgian Foreign Ministry calls upon the international community to influence the Russian Federation and to compel it to respect its international obligations and to immediately begin to withdraw its forces from Georgian territory.

Tbilisi, 27 September 2011

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Sixty-sixth session
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Report of the Economic and Social Council

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Macroeconomic policy questions

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the 2008 Review Conference

Sustainable development

Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and strengthening of the United Nations Human Settlements Programme (UN-Habitat)

Globalization and interdependence

Groups of countries in special situations

Eradication of poverty and other development issues

Operational activities for development

Agriculture development and food security

Towards global partnerships

Social development

Advancement of women

The situation in the Middle East

Question of Palestine

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Question of the Falkland Islands (Malvinas)

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

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Oceans and the law of the sea

Follow-up to the outcome of the Millennium Summit

Strengthening of the United Nations system

United Nations reform: measures and proposals

Review of the efficiency of the administrative and financial functioning of the United Nations

Proposed programme budget for the biennium 2012-2013

Improving the financial situation of the United Nations

Scale of assessments for the apportionment of the expenses of the United Nations

Human resources management

Joint Inspection Unit

Report on the activities of the Office of Internal Oversight Services

Letter dated 27 September 2011 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the Ministerial Declaration adopted at the thirty-fifth annual meeting of Ministers for Foreign Affairs of the Group of 77, held at United Nations Headquarters in New York on 23 September 2011 (see annex).

On behalf of the Group of 77 and China, I would appreciate if the present letter and its annex could be circulated as a document of the sixty-sixth session of the General Assembly under agenda items 9, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 36, 37, 41, 45, 61, 63, 67, 68, 70, 76, 117, 123, 124, 132, 134, 136, 138, 139, 140 and 142.

(*Signed*) Jorge **Argüello**
Ambassador and Permanent Representative
of Argentina to the United Nations
Chair of the Group of 77

Annex to the letter dated 27 September 2011 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Ministerial Declaration adopted at the thirty-fifth annual meeting of the Ministers for Foreign Affairs of the Group of 77

New York, 23 September 2011

The Ministers for Foreign Affairs of the Member States of the Group of 77 and China met at United Nations Headquarters in New York on 23 September 2011 on the occasion of their thirty-fifth annual meeting. The Ministers reviewed the world economic situation and the development challenges faced by developing countries and adopted the following Declaration:

1. The Ministers, after reviewing the world economic situation, note that while growth has been resilient in some developing countries, it remains lower than pre-crisis levels in most other developing countries. The majority of developing countries are still confronted by numerous shared and common problems and great challenges, such as extreme poverty, the global food crisis and continued food insecurity, high levels of unemployment, external debt burden, lack of financial aid and the negative effects of climate change. Strong and sustained growth is critical for developing countries to meet the internationally agreed development goals, including the Millennium Development Goals.

2. The Ministers also restate that the global financial and economic crisis is not over and the recovery is uneven and uncertain. The systemic problems facing the global economy have to be resolved, including through the full accomplishment of the reform of the global financial system and architecture.

3. The Ministers, having in mind the worst financial and economic crisis since the great depression, which still remains, and recognizing its severe impact, which continues to affect developing countries, particularly the least developed, being deeply worried about the additional negative impact of the second wave of the crisis happening now while signifying also a serious threat to developing countries in the years to come, reiterate the recommendation to hold a follow-up conference on the financial and economic crisis and its impact on development in 2012 and stress that the Ad Hoc Open-ended Working Group to follow up on the issues contained in the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development will continue its work.

4. The Ministers note that the crisis has affected developing countries not only in economic terms through, inter alia, the presence of barriers to trade and finance in some of the anti-crisis measures taken by some developed countries, but also in terms of social development, leading to a major loss of jobs and difficulties for Governments in financing social programmes that address poverty or the provision of basic amenities, which threaten the attainment of the internationally agreed development goals, including the Millennium Development Goals.

5. The Ministers express deep concern about the ongoing adverse impact, particularly on development, of the world financial and economic crisis. In this context, the Ministers stress the necessity to urgently address the problems, emphasizing that such a crisis should not be used under any circumstances as an

excuse to slow down or not fulfil the obligations and commitments of the developed country partners towards the developing countries. Additional substantial support is needed to address poverty and unsustainable external debt and to apply solutions towards a durable response to the climate change impact experienced by developing countries.

6. The Ministers reaffirm the urgent need for an effective response to the current economic crisis, which requires the timely implementation of existing aid commitments by developed countries. A strengthened United Nations framework for enhancing coordination and complementarity should be at the centre of efforts to bridge this gap, building consensus on efficient and effective solutions for global economic, social and environmental issues.

7. The Ministers express concern that the world financial and economic crisis continues to threaten debt sustainability in some developing countries, inter alia, through its impact on the real economy and the increase in borrowing undertaken in order to mitigate the negative impact of the crisis and, in that regard, call upon all Governments to promote and contribute to the discussions, including within the United Nations and other appropriate forums, on the need and feasibility of new sovereign debt restructuring and debt resolution mechanisms that take into account the multiple dimensions of debt sustainability and its role in the achievement of the internationally agreed development goals, including the Millennium Development Goals.

8. The Ministers reaffirm that economic and social development is the centrepiece of the objectives of the United Nations. The achievement of the internationally agreed development goals, including the Millennium Development Goals, should continue to be the overarching framework of the development activities of the United Nations system. The Ministers reiterate the need to fully implement all agreed commitments from all the major United Nations summits and conferences in the economic, social and related fields and further emphasize the need for a strengthened global partnership for development, based on the recognition of national leadership and ownership of development strategies.

9. The Ministers state that the United Nations is the only global body with universal membership and unquestioned legitimacy and is therefore well positioned to address global economic governance with the objective of reaching sustainable and socially balanced economic development. The role of the United Nations in global economic governance should thus be strengthened. For the United Nations to fulfil its role in global economic governance, the political will of all Member States to commit to the United Nations processes and to multilateralism and its underlying values is critical. Member States must commit to working in solidarity on coordinated and comprehensive global responses to global economic governance issues and to taking actions aimed at strengthening the role of the United Nations development system in responding to global crises and increasing its impact on development. For this the United Nations must also be equipped with the resources and capabilities necessary to effectively and quickly address global challenges.

10. In this regard, the Ministers welcome the decision adopted by the General Assembly in its resolution 65/94 to include in the provisional agenda of its sixty-sixth session, under the item entitled "Strengthening of the United Nations system", a new sub-item entitled "Central role of the United Nations system in global governance".

11. The Ministers state that there is a need for a more coherent and effective response from the United Nations on issues related to global economic governance. In this regard, an appropriate follow-up mechanism should be established within the United Nations to bridge the gap between policymaking and the implementation of commitments in this area.

12. The Ministers take note with appreciation of the report (A/65/866, annex) on the review of the implementation of General Assembly resolution 61/16 on the strengthening of the Economic and Social Council and encourage all Members States, the Economic and Social Council, the regional commissions and other entities of the United Nations system to consider the recommendations contained in the report.

13. The Ministers state that global governance should also be addressed within the context of a fair and inclusive globalization supported by strengthened multilateralism. Achieving more sustainable and balanced global growth will require close coordination of macroeconomic policy decisions with other areas of global governance, including those related to the multilateral trading system; aid architecture; external debt; poverty eradication; and sustainable development, including climate change. In this regard, international financial institutions need a more coherent, representative, responsive and accountable governance, reflecting the realities of the twenty-first century.

14. The Ministers take note of the recent developments in the Bretton Woods institutions and call for an expeditious completion, as soon as possible, of a much more ambitious process of reform of the governance structure of those institutions and of an accelerated road map for further reforms on the voice, participation and enhanced voting power of developing countries based on an approach that truly reflects their development mandate and with the involvement of all stakeholders in an equitable, transparent, consultative and inclusive process.

15. The Ministers reaffirm that official development assistance (ODA) remains essential as a catalyst for development, facilitating the achievement of national development objectives, including the Millennium Development Goals. The global financial and economic crisis cannot be used by developed countries as an excuse to avoid existing aid commitments. An effective response to the ongoing economic crisis requires the timely implementation of existing aid commitments and an urgent and unavoidable need for donors to fulfil them.

16. The Ministers stress that developed countries must meet and scale up their existing bilateral and multilateral official development assistance commitments and targets made, inter alia, in the United Nations Millennium Declaration, in the Monterrey Consensus, in the 2005 World Summit Outcome, at the Gleneagles summit meeting of the Group of Eight, in the Doha Declaration on Financing for Development and in other relevant forums. An enhanced, predictable and sustainable flow of ODA is essential to meet the regular development challenges, as well as the new and emerging challenges in developing countries, in particular in least developed countries and other vulnerable developing countries.

17. The Ministers reiterate that, as a group, developed countries are still far from achieving the long-standing goal of mobilizing 0.7 per cent of gross national product in ODA to developing countries, including the target of 0.15-0.20 per cent of ODA to the least developed countries. In order for agreed commitments and

targets to be met, the Ministers call upon the developed countries to establish clear and transparent timetables within their national budget allocation processes to reach the level of 0.7 per cent for ODA to developing countries, including the target of 0.15-0.20 per cent to the least developed countries, by 2015 at the latest. Notwithstanding the positive impact of debt relief on development, it should not be counted as part of the ODA contribution. The Ministers reaffirm that the full implementation of these commitments will substantially boost the resources available to push forward the international development agenda and to assist developing countries in mitigating and more effectively responding to the crisis in accordance with their national strategies.

18. The Ministers recognize that innovative mechanisms of financing can make a positive contribution in assisting developing countries in mobilizing additional resources for development on a stable, predictable and voluntary basis. They reiterate that such financing should be disbursed in accordance with the priorities of developing countries, should not unduly burden them and should neither replace nor negatively affect the level of traditional sources of development financing, including ODA. While highlighting the considerable progress in innovative sources of financing for development, they also consider it important to scale up present initiatives and develop new mechanisms, as appropriate. As work is expanded and new initiatives are taken, they stress that priorities should remain focused on providing traditional development financing with additional, stable and supplementary resources.

19. The Ministers stress the importance of establishing an appropriate follow-up mechanism within the United Nations system to bridge the gap between policymaking and the implementation of commitments, particularly through the establishment of a Financing for Development Commission as a subsidiary body of the Economic and Social Council. It is also important for Member States to support efforts to strengthen and further advance the Financing for Development process, which would help to enhance the coherence and consistency of the financial and trading systems to ensure that they support the implementation of the internationally agreed development goals.

20. The Ministers deem it important to strengthen the concepts of national ownership and leadership of their development process and policy space. The Ministers reiterate that developing countries should have the policy space required to formulate their development strategies in keeping with national development policies, strategies and priorities to reflect the particular circumstances of each country.

21. In this respect, it must be borne in mind that, in the context of the World Bank, client countries are the owners of their development policies and that selectivity in strategy and actions of that institution must be guided first and foremost by developing countries' priorities and preferences.

22. The Ministers reiterate their call for a new and significant allocation of special drawing rights at the beginning of the upcoming basic period to meet liquidity needs and promote development. Henceforth, regular allocations of special drawing rights should also be undertaken.

23. The Ministers also express their deep concern at the increasing inequality between developed and developing countries, since most developing countries have

been deprived of financial investment despite the different reforms and policies they have undertaken to create a more attractive investment climate. The reform policies are often constrained by conditionalities imposed by the international financial institutions. There is a need for conscious policy measures to facilitate foreign direct investment to developing countries, including investment guarantee schemes, favourable trade access, production and supply agreements, local processing and marketing of raw materials and commodities.

24. While recognizing that international capital flows depend largely on decisions taken by private actors, the Ministers call upon developed countries to take measures to facilitate and redirect such flows to developing countries in a more predictable, stable and equitable manner. In particular, developed countries should take concrete steps to avoid financial protectionism and rectify any measures adopted in that regard during the crisis, including subsidies to ailing industries and sectors. Additional efforts should be taken to enhance private flows in support of development and maximize the development impact of foreign direct investment, particularly with regard to linkages with domestic production activities, transfer of technology and research and development activities.

25. The Ministers stress that additional substantial resources, including short-term liquidity and long-term development financing and grants, are needed in order to achieve the development goals, in particular those related to health and education. In this regard, the United Nations system, including the Bretton Woods institutions and the World Trade Organization, should translate all commitments made at the major United Nations conferences and summits in the economic, social and related fields into action.

26. The Ministers underline that middle-income countries face significant challenges in their efforts to achieve the internationally agreed development goals, including the Millennium Development Goals. In this regard, it is of utmost importance that international support, through its various forms, be well aligned with national priorities to address the special development needs of middle-income countries.

27. The Ministers also call for continued support for the development efforts of low-income developing countries in addressing their social, economic and developmental needs, including through the provision of technical, financial and other forms of assistance and the promotion and strengthening of partnerships and cooperation arrangements at all levels. The Ministers highlight that national averages based on such criteria as per capita income do not usually reflect accurately the actual particularities and special development needs of significant diverse middle-income countries.

28. The Ministers reaffirm that, in order to fully harness the potential of trade, it is important to uphold a universal, rules-based, open, non-discriminatory and equitable multilateral trading system that contributes to growth, sustainable development and employment, particularly for developing countries. In this context, developed countries should desist from all protectionist measures and tendencies affecting developing countries, including agricultural subsidies and non-tariff barriers to trade, and rectify any trade-distorting measures already taken.

29. The Ministers reiterate that developed countries should demonstrate the flexibility and political will necessary for breaking the current impasse in the Doha

Round of negotiations, with a view to concluding an agreement as soon as possible to achieve an early and development-oriented outcome. The early conclusion of the Doha Round would provide much-needed impetus to international markets, contributing to consolidate the recovery and establish the foundations of sustained growth.

30. The Ministers emphasize the importance of the twelfth session of the United Nations Conference on Trade and Development, in particular the Accra Accord, which reiterated the importance of the Conference as the focal point within the United Nations for the integrated treatment of trade and development and the interrelated issues of finance, investment, technology and sustainable development, and the need to fully implement its mandate for policy analysis and policy advice, which are indispensable for building consensus on development. The Ministers look forward to the concrete and successful convening of the thirteenth session of the Conference from 21 to 26 April 2012 in Doha, on the theme "Development-centred globalization: towards inclusive and sustainable growth and development", as well as the Group of 77 and China ministerial meeting preparatory to the session.

31. The Ministers express their deep concern at the continuing shortfall of transfer of technology, know-how and expertise towards developing countries. They emphasize the need to adopt appropriate measures to overcome the technological gap between developing and developed countries and to work towards arrangements that facilitate the process of technology transfer. Technology transfer to support economic and social development and the transfer of environmentally sound and clean technologies are key to advancing the development efforts of the South. Developing countries should be enabled to develop their own technology with the support of the international community, including building local capacity to design and develop technologies.

32. The Ministers emphasize the urgent need to increase efforts at the national, regional and international levels to address food security and agriculture development as an integral part of the international development agenda. They underline the need for sustained funding and increased targeted investment to enhance world food production and call for new and additional financial resources from all sources to achieve sustainable agriculture development and food security.

33. The Ministers reaffirm that hunger constitutes a violation of human dignity and call for urgent measures at the national, regional and international levels for its elimination. They also reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to food, and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities.

34. The Ministers emphasize that achieving food security will require strengthening and revitalizing the agriculture sector in developing countries, including through the empowerment of indigenous peoples, rural communities and small- and medium-scale farmers, the provision of technical and financial assistance, access to and transfer of technology, capacity-building and exchange of knowledge and experience. The Ministers underscore that subsidies and other market distortions by developed countries have severely harmed the agricultural sector in developing countries, thereby limiting the ability of this key sector to contribute meaningfully to poverty eradication and sustained, inclusive and equitable economic growth, sustainable development, food security and rural

development. The Ministers, therefore, call for the immediate elimination of all forms of agricultural subsidies and other market-distorting measures by developed countries. They urge the developed countries to demonstrate the flexibility and political will necessary to meaningfully address these key concerns of developing countries at the Doha Round.

35. The Ministers welcome the adoption of resolution 15/2011 at the thirty-seventh session of the Conference of the Food and Agriculture Organization of the United Nations recommending the declaration of the International Year of Quinoa in 2013, taking into account that the Conference noted the exceptional nutritional qualities of quinoa, its adaptability to various growing conditions and its potentially significant contribution to the fight against hunger and malnutrition. In this regard, they reiterate their firm support to the resolution.

36. The Ministers express their deep concern at the constraints on the fight against poverty arising from the current global crises, in particular the world financial and economic crisis, the world food crisis and continuing food insecurity, and the energy crisis and the challenges posed by climate change to developing countries. They reiterate that special attention must be brought to the structural roots of poverty in the international system hindering the efforts of the developing countries in their fight against poverty. In this context, the Ministers reaffirm that sustained and inclusive economic growth is essential for eradicating poverty and hunger, in particular in developing countries, and stress that national efforts in this regard should be complemented by an enabling international environment aimed at expanding the development opportunities of developing countries.

37. The Ministers reiterate that poverty eradication cannot be successfully achieved without the collective commitment and efforts of the international community. Therefore, international cooperation based on the recognition of national leadership and ownership of development strategies must be enhanced, including fulfilment of the commitment of internationally agreed official development assistance, debt relief, market access, capacity-building and technical support.

38. The Ministers recognize that inequality within and among countries is a concern for all countries, regardless of their level of development, and that it represents a growing challenge with multiple implications for the realization of economic and social potential and the achievement of the internationally agreed development goals, including the Millennium Development Goals. They stress the need to address the persistent and significant disparities between developed and developing countries and inequalities between the rich and the poor and between rural and urban populations. In this context, the Ministers reaffirm the importance of greater consideration of the impact of social and economic inequalities in development, including in the design and implementation of development strategies.

39. The Ministers firmly reject the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterate the urgent need to eliminate them immediately. They emphasize that such actions not only undermine the principles enshrined in the Charter of the United Nations and international law but also severely threaten the freedom of trade and investment. They therefore call upon the international community not to recognize these measures or apply them.

40. The Ministers recall the fact that, over the recent years, the world has witnessed an increase in the frequency and intensity of disasters and in the number of people affected by humanitarian emergencies. Moreover, the continuing impact of climate change and the ongoing adverse impact of the financial and economic crisis, the global food crisis and continuing food insecurity are posing additional challenges to the humanitarian response system. The Ministers stress the need to further strengthen the capacity, in particular of developing countries, to prepare for and respond to disasters, taking into account that building preparedness is a long-term investment that contributes to the saving of lives while at the same time reducing the need for humanitarian response. They call upon the United Nations system and the international community to assist developing countries in the enhancement of their existing humanitarian capacities, knowledge and institutions, including through the transfer of technology, funding and expertise, in order to facilitate appropriate preparedness for and response to these increasing humanitarian emergencies.

41. The Ministers also stress that respect for sovereignty, territorial integrity and national unity of States must remain the overarching parameters in all efforts to coordinate humanitarian assistance. In this regard, they emphasize the primary role of the concerned State in the initiation, organization, coordination and implementation of humanitarian assistance. It is critical that affected States, donor countries, the United Nations system and other humanitarian organizations work together to provide much-needed humanitarian assistance and development support, while recognizing the primary role of the affected State.

42. Ministers reaffirm that, in order to ensure a smooth transition from relief to rehabilitation and development, emergency assistance must be provided in ways that will be supportive of recovery and long-term development and that emergency measures should be seen as a step towards sustainable development.

43. Since funding remains a challenge in the context of increasing humanitarian emergencies, in particular in developing countries, the Ministers reiterate the need to promote and achieve effective, predictable, flexible and adequate funding through enhanced partnerships and strengthened financial mechanisms for humanitarian assistance. The Ministers emphasize the importance of ensuring equitable geographical representation within the relevant United Nations bodies.

44. The Ministers reaffirm that Member States must comply fully with their obligations under international humanitarian law, in particular the Fourth Geneva Convention of 12 August 1949, to protect and assist civilians in occupied territories and call upon the United Nations system and the international community to strengthen their efforts to provide and facilitate humanitarian assistance to those civilians.

45. The Ministers welcome the convening of the High-level Meeting on Youth held at United Nations Headquarters in New York on 25 and 26 July 2011 to address the theme "Youth: dialogue and mutual understanding", which adopted a substantive outcome document, recalling that it had originated from an initiative of the Group of 77 and China.

46. The Ministers note with concern that unemployment has become a global problem affecting youth worldwide, to which a global response is required. In this

regard, they urge all Member States to undertake efforts towards the development of a global strategy aimed at effectively addressing youth unemployment.

47. The Ministers welcome the convening of the High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action at United Nations Headquarters in New York on 22 September 2011 to reaffirm the global political commitment to the full and effective implementation of the Durban Declaration and Programme of Action, and underline the adoption of its political declaration entitled "United against racism, racial discrimination, xenophobia and related intolerance".

48. The Ministers reaffirm the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in 2009 and welcome the progress made in many countries and regions since 2001, including through enacting legislation, while expressing their deep concern at the lack of full implementation. They call for the translation of commitment into concrete action, for appropriate measures to implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, which constitute the most comprehensive international framework in the fight against racism, and the strengthening of the follow-up mechanisms.

49. The Ministers welcome the convening of the High-level Meeting on the Prevention and Control of Non-communicable Diseases at United Nations Headquarters in New York on 19 and 20 September 2011 and the subsequent adoption of a political declaration. In this regard, the Ministers call for strengthening international cooperation in the area of public health to promote access to comprehensive and cost-effective prevention, treatment and care programmes for the integrated management of non-communicable diseases, including increased access to affordable, safe, effective and quality medicines and diagnostics and other technologies.

50. The Ministers note with grave concern that non-communicable diseases have become an epidemic of challenging proportions, which undermines the sustainable development of Member States. They reaffirm the right of Member States to protect public health and, in particular, to ensure access to medicines and diagnostic and medical technologies for all, including through the full use of the flexibilities of the Trade-Related Aspects of Intellectual Property Rights (TRIPS), as confirmed by the Doha Declaration on the TRIPS Agreement and Public Health of 14 November 2001.

51. The Ministers welcome the adoption of General Assembly resolution 65/198 of 21 December 2010, by which the General Assembly decided to organize a high-level plenary meeting, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and also invited Member States to fully participate in this event. The Ministers look forward to the consultations on the modalities for the meeting, including on the participation of indigenous peoples in the Conference.

52. The Ministers urge the international community to address the challenges caused by international migration on the basis of common responsibility of all nations, genuine partnership and common understanding, in order to assure that

international migration can contribute to the development of both origin and destination countries while minimizing the negative impacts.

53. The Ministers call upon all Member States to renew the political will to address the challenges and opportunities of international migration, both regular and irregular, in a balanced manner and to promote respect for and protection of human rights in the development and implementation of policies regarding migration. In this regard, they stress the importance of official development assistance and other sources of international resource mobilization to support the efforts of developing countries to eradicate poverty and promote the right of peoples to development, as a key instrument to control migration flows, which are motivated, inter alia, by the search for better welfare and job opportunities.

54. The Ministers reaffirm their strong support to the United Nations and to all collective efforts aimed at enhancing its ability to fully implement its mandates and to ensure the effective delivery of all its programmes, in particular in the social and economic development field. The Ministers firmly believe that the legitimacy and viability of any reform measures depend ultimately on the approval of States Members of the United Nations. The Ministers emphasize that measures to reform the United Nations should respond to its unique intergovernmental, multilateral and international character.

55. The Ministers reaffirm that the quantity, quality and predictability of development assistance from the United Nations system constitute a central priority for developing countries. In addition, the growing imbalance between core and non-core resources for operational activities must be addressed as a matter of urgency. They note that the increasing shift from core to non-core funding tends to lead to fragmentation and can impair the effectiveness and efficiency of operational activities, as non-core resources are unpredictable and increase transaction costs, inefficiency, incoherence and fragmentation of the United Nations system, including at the country level, causing competition among organizations, as well as inviting them to divert from their respective mandates. Therefore, the Ministers call upon donor countries to provide adequate financial resources in order to restore the balance between core and non-core funding resources and to ensure an expanding and adequate base of resources for development.

56. The Ministers reaffirm that strengthening the role and capacity of the United Nations development system to assist countries in achieving their development goals requires continued improvement in its effectiveness, efficiency, coherence and impact, along with a significant increase in resources. In this regard, the fundamental characteristics of United Nations operational activities for development must remain, among others, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the development needs of programme countries in a flexible manner. Moreover, operational activities should be carried out for the benefit of recipient countries, at the request of those countries and in accordance with their own national policies and priorities for development.

57. The Ministers stress the importance that the entire United Nations system, as well as the Bretton Woods institutions and bilateral donors, recognize the ownership of the developing countries concerned, align their cooperation programmes with the national development strategies of those countries and harmonize, as appropriate, their individual cooperation programmes with a view to making the optimal contribution to the realization of national development strategies.

58. The Ministers reiterate their support for the United Nations Conference on Sustainable Development, to be held in Brazil in 2012 to review the implementation of the outcomes of the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, from 3 to 14 June 1992, and the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002. The Ministers state that an overview of the results achieved shows that there are persistent implementation gaps, as well as many unfulfilled commitments by the international community. The challenges faced by developing countries, as a result, are intensified by the effects of the multiple and interrelated global crises, from which the world is still suffering, particularly the food crisis, climate change, the global economic and financial crisis as well as the energy crisis. These challenges are posing serious threats to the achievement of sustainable development and internationally agreed development goals, including the Millennium Development Goals.

59. The Ministers believe that the United Nations Conference on Sustainable Development in Rio de Janeiro in 2012 and all its preparatory processes offer an important opportunity to deeply and frankly reflect on where we have failed and why. Assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development in our view, would show the failures and how to move forward without making the same mistakes again in dealing with not only the old challenges but also the new and emerging ones. A fragmented approach has been adopted towards sustainable development. Unsustainability and overconsumption in developed countries are having a negative impact on the health of the Earth. The Ministers stress the need for a more systemic and integrated approach to the three pillars of sustainable development, taking into consideration the negative impact of human activities on ecosystem dynamics and functioning.

60. The Ministers conclude that the success of our common efforts is closely linked to the means available to ensure effective implementation and policy space for sustainable development. They reaffirm that the issue of the means of implementation must be underscored, as a global responsibility, given the global nature of the challenges the world faces today. Therefore, the fulfilment of previous commitments and the provision of new and additional resources is crucial to enhance the United Nations capabilities in the area of implementation. In this regard, it is imperative that the United Nations regular budget resources allocated to all mandated development activities, including those related to sustainable development, be increased, in order to ensure predictable and adequate funding.

61. The Ministers emphasize the importance of addressing energy issues, including access to affordable energy and energy efficiency, as well as the sustainability and use of energy sources, as part of global efforts to achieve the Millennium Development Goals and promote sustainable development.

62. The Ministers support the implementation of national policies and strategies to combine, as appropriate, the increased use of new and renewable energy sources and low-emission technologies, the more efficient use of energy, greater reliance on advanced energy technologies, including cleaner fossil fuel technologies, and the sustainable use of traditional energy resources, to promote access to modern, reliable, affordable and sustainable energy services; to enhance national capacities to meet the growing energy demand, supported by international cooperation in this

field; and to promote the development and dissemination of appropriate, affordable and sustainable energy technology, as well as the transfer of such technologies on mutually agreed terms.

63. The Ministers maintain that the United Nations Framework Convention on Climate Change is the primary international intergovernmental forum for negotiating the global response to climate change. In this sense, they recall that an appropriate response to this challenge should address mainly the roots of the problem and not its consequences alone.

64. The Ministers underline the fact that developing countries continue to suffer from the adverse impacts of climate change and the increasing frequency and intensity of extreme weather events. They also recall the challenges faced by developing countries from the impact of response measures. Climate change threatens not only the development prospects and the achievement of sustainable development but also the very existence and survival of societies.

65. The Ministers emphasize that the mandate of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention is to enable the full, effective and sustained implementation of the Convention through long-term cooperative action now, up to and beyond 2012, in accordance with the Bali Action Plan, and are committed to fulfilling it. They believe that the full and prompt implementation of the Cancun Agreements, as well as finding appropriate solutions to issues not addressed at the United Nations Climate Change Conference in Cancun, Mexico, would be vital to fulfilling the mandate of the Bali Action Plan. On this basis, the Ad Hoc Working Group must continue its work with a view to presenting its results to the Conference of the Parties at its seventeenth session.

66. The Ministers underline the importance of mitigation as part of a balanced and ambitious outcome in Durban, South Africa. They reiterate that appropriate treatment of mitigation, as determined in the Bali Road Map, demands a decision at the seventh session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, to be held in Durban, on establishing the commitments of the second commitment period under the Kyoto Protocol. In this regard, the Ministers express their concern that current mitigation pledges from developed countries parties in the United Nations Framework Convention on Climate Change negotiations are not adequate to reduce global greenhouse gas emissions so as to hold the increase in global average temperature in accordance with what is required by science and urge developed countries to raise their level of ambition.

67. The Ministers reiterate the need for enhanced and urgent actions on the provision of financial resources and investments to support actions on mitigation, adaptation and technology cooperation to developing countries. The Ministers call for the full operationalization of the Standing Committee to assist with respect to the Financial Mechanism of the Convention, the technology mechanism and the Adaptation Committee in Durban.

68. The Ministers reiterate their call on States Parties included in annex II to the Convention to intensify their efforts aimed at fulfilling their commitments on the provision of adequate, predictable, new and additional financial resources, enhancing technology development and transfer, meeting the costs of adaptation and strengthening capacity-building in developing country parties in accordance with

article 4, paragraphs 3 to 5, of the Convention. The historical imbalance in financing to the detriment of adaptation must be redressed, and adaptation and mitigation financing must be treated equally. The Ministers recall that, according to decision 1/CP16, a significant share of new multilateral funding for adaptation should flow through the Green Climate Fund.

69. The Ministers recall that the Group of 77 and China were a major force in the negotiation of the law of the sea, as reflected in the United Nations Convention on the Law of the Sea. The positions of the Group of 77 and China remarkably influenced the consecration of some crucial law of the sea concepts inextricably linked to sustainable development: the exclusive economic zone, where the coastal State enjoys sovereign rights over the natural resources and the seabed and ocean floor beyond the limits of national jurisdiction ("the Area"), in which the exploitation of the resources has to benefit mankind as a whole, irrespective of the geographical location of States, whether coastal or landlocked, and taking into particular consideration the interests and needs of developing States.

70. In this regard, the Ministers recall that General Assembly resolution 2749 (XXV) and, subsequently, the United Nations Convention on the Law of the Sea crystallized in a conventional norm the principle of the common heritage of mankind, to which the Group of 77 and China had adhered from its inception, in 1967.

71. The Ministers recognize that a major challenge to developing countries has arisen in the law of the sea: the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. The exploitation of and benefit from resources of a maritime area that is a common heritage of mankind by a few is inconsistent with the general principles of international law, including those on equity, as the Area and its resources are to benefit mankind as a whole. In this context, the Ministers stress that the status quo is not an option.

72. The Ministers emphasize that the basic principle enshrined in the United Nations Convention on the Law of the Sea and in General Assembly resolution 2749 (XXV) applicable to these resources is that of the common heritage of mankind, and that a specific legal regime for the biodiversity of areas beyond national jurisdiction needs to be developed in the form of an implementing agreement to the Convention based on that principle. Such an implementing agreement has to be negotiated as a package and must encompass the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, including genetic resources, the sharing of benefits taking into account intellectual property rights, scientific research, capacity-building and the transfer of marine technology.

73. The Ministers recognize the important outcomes of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity and the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, held in Nagoya, Japan, from 18 to 29 October 2010 and from 11 to 15 October 2010, respectively, which represent a significant contribution to the comprehensive implementation of the three objectives of the Convention, and take note with appreciation of the positive assessments of the performance of the secretariat during the meetings.

74. The Ministers call for the implementation of the Strategic Plan for Biodiversity for 2011-2020 as the overarching biodiversity framework and for ongoing efforts

aimed at translating the Aichi Biodiversity Targets into national biodiversity strategies and action plans. The Ministers take note of the adoption and opening for signature of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. As the United Nations Decade on Biodiversity for 2011-2020 provides a unique opportunity to engage the people of the world in the battle to protect life on Earth, the Ministers reaffirm their commitment to spare no efforts for the successful implementation of the objectives of the decade.

75. The Ministers reaffirm the importance of the Multi-Year Plan of Action for South-South Cooperation on Biodiversity for Development to be adopted at the eleventh meeting of the Conference of the Parties to the United Nations Convention on Biological Diversity, to be held in Hyderabad, India, in October 2012, as a major tool at the service of the biodiversity agenda.

76. The Ministers recall the disastrous effect that desertification and land degradation continue to pose to all the regions of the world and the serious threat they represent to sustainable development at the national, regional and global levels and call upon the Conference of the Parties to the United Nations Convention to Combat Desertification at its tenth session, to be held in Changwon, Republic of Korea, from 10 to 21 October 2011, to take concrete measures.

77. The Ministers express concern and solidarity over the situation in the Horn of Africa region, which was hit by the worst drought in 60 years, leading to starvation and loss of crops and livestock. This clearly reflects the severity of drought and desertification problems and the imperative for action.

78. The Ministers stress that poverty, food security and desertification are intrinsically linked to each other and need to be tackled jointly. In this regard, the Ministers firmly called upon all parties to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, to fully support the implementation of the Convention in all its aspects, in particular by promoting the exchange of knowledge on best practices and lessons learned from global and regional cooperation in combating desertification, land degradation and drought. In this context, the Ministers take note with appreciation of the outcome of the African regional meeting held in Algiers from 7 to 9 September 2011 in preparation for the tenth session of the Conference of the Parties and take note of the Latin American and Caribbean regional meeting preparatory to the session, held in Mexico City from 5 to 7 September 2011.

79. The Ministers stress the need to cooperate at the global and regional levels with a view to preventing and managing dust storms and sandstorms, including through the sharing of related information, forecasting and early warning systems. The Ministers stress that combating dust storms and sandstorms demands financial support and the transfer of technology from developed countries to developing countries.

80. The Ministers also stress that emphasis should also be given to mobilization and channelling of adequate and predictable financial resources, as well as facilitating direct access to them, in order to help mitigate the effects of desertification, land degradation and drought and improve the livelihoods of vulnerable people affected by these most urgent matters at the national, subregional and regional levels.

81. The Ministers welcome the observance of 2011 as the International Year of Forests as a unique opportunity to raise public awareness of how sustainable forest management contributes extensively to the achievement of the internationally agreed development goals, including the Millennium Development Goals, in particular with respect to poverty eradication and environmental sustainability, as well as of global efforts to fight climate change and combat desertification and the conservation and sustainable use of biodiversity, along with numerous other benefits for the betterment of the livelihoods of people.

82. The Ministers therefore reaffirm the potential significant contribution of sustainable forest management to sustainable development and poverty eradication; the need to promote the implementation of the non-legally binding instrument on all types of forests and its four global objectives on forests; and the importance of addressing financial gaps in sustainable forest management by the establishment of a new Global Forest Fund in the framework of the United Nations, in line with the principles of sustainable development, in order to address the financing needs of countries to sustainably manage their forests, in particular developing countries with special needs and circumstances, including African countries, least developed countries, low forest cover countries, high and medium forest cover countries, high forest cover low deforestation countries and small island developing States. They call upon the United Nations Conference on Sustainable Development to recognize the value of forests and their contribution in the areas of sustainable development, energy and food security, poverty reduction, land degradation and water conservation, biodiversity conservation and climate change.

83. The Ministers recall the special needs of Africa, the only continent currently not on track to achieve the internationally agreed development goals, including the Millennium Development Goals. They recognize that, while economic growth is returning, there is a need to sustain the recovery, which is fragile and uneven, to face the ongoing adverse impacts of multiple crises on development and the serious challenges these impacts pose to the fight against poverty and hunger, which could further undermine the achievement of the internationally agreed development goals, including the Millennium Development Goals, in Africa.

84. The Ministers express their profound concern that the commitment to doubling aid to Africa by 2010, as articulated at the Gleneagles summit meeting, was not entirely reached and, in this regard, stress the need to make rapid progress in order to fulfil the Gleneagles and other donors' commitments to increase aid to African countries through a variety of means, including the provision of new and additional resources, technology transfer and capacity-building, and to support their sustainable development. On the other hand, the Ministers welcome the support that some developing countries have extended to Africa through South-South and triangular cooperation programmes.

85. The Ministers express their deep concern that the least developed countries are the most off track in the achievement of the internationally agreed development goals, including the Millennium Development Goals, and are at the bottom of the Human Development Index rankings and that they have been unable to overcome their economic vulnerability and structurally transform their economies or build resilience against internal and external shocks and crises.

86. In this context, the Ministers take note of the outcome of the Fourth United Nations Conference on the Least Developed Countries, which was held in Istanbul,

Turkey, from 9 to 13 May 2011. While noting that the Istanbul Programme of Action falls short of expectations, the Ministers emphasize the full, timely and effective integration and implementation of all the commitments and actions by the least developed countries, their development partners and other relevant stakeholders. The Ministers consider that the overarching goal of the Istanbul Programme of Action should have been to enable at least half of the countries to graduate by the end of its implementation. For this purpose, the Istanbul Programme of Action should commit to increasing and sustaining high-level economic growth, promoting sustainable development and addressing the impact of multiple crises and emerging challenges through structural transformation. The Ministers further underline the need to give due priority to the countries' issues and concerns in all major United Nations conferences, including the United Nations Conference on Sustainable Development.

87. The Ministers emphasize the need for the timely implementation of duty-free and quota-free market access, on a lasting basis for all least developed countries, as expressed in the Istanbul Programme of Action. They stress the importance of facilitating the accession of all developing countries, in particular the least developed countries that apply for membership in the World Trade Organization, without political impediments, in an expeditious and transparent manner and with full observance of the principles of special and differential treatment for developing countries.

88. The Ministers reiterate their recognition of the special needs of and challenges faced by the landlocked developing countries, caused by their lack of territorial access to the sea and aggravated by their remoteness from world markets, and their concern that the economic growth and social well-being of landlocked developing countries remain very vulnerable to external shocks, as well as the multiple challenges the international community faces, including the financial and economic crisis and climate change, and stress the need for the international community to enhance development assistance to landlocked developing countries to help them overcome their vulnerabilities, build resilience and set themselves on a path of sustainable social and economic development. They therefore reaffirm the need to urgently address the special development needs of and challenges faced by the landlocked and transit developing countries through the full, timely and effective implementation of the Almaty Programme of Action, as contained in the Declaration of the high-level meeting of the sixty-third session of the General Assembly on the midterm review of the Almaty Programme of Action.

89. The Ministers recall that the unique and particular vulnerabilities of small island developing States have been acknowledged by the international community since the United Nations Conference on Environment and Development in Rio de Janeiro (1992), the Global Conference on the Sustainable Development of Small Island Developing States in Barbados (1994), the World Summit on Sustainable Development in Johannesburg (2002), and the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States in Mauritius (2005) and note with concern that insufficient steps have been taken at the international level to address the vulnerabilities and effectively support their sustainable development efforts, including in achieving the internationally agreed development goals.

90. The Ministers recall that climate change and rising sea levels pose the greatest threat to the survival and viability of small island developing States and their efforts to achieve sustainable development goals and, in this regard, called upon the international community to commit itself to urgently increasing international cooperation to support those efforts, particularly through increased financial resources, capacity-building, transfer of technology and know-how, and increased participation of small island developing States in international economic decision-making.

91. The Ministers reaffirm that the Fifth Committee of the General Assembly is the sole Main Committee of the Organization entrusted with responsibilities for administrative, financial and budgetary matters. In this regard, the Ministers request that any budgetary, financial and administrative matters, including those related to the establishment of a peacekeeping operation or a special political mission, be discussed solely in the framework of the Fifth Committee, in conformity with the Charter of the United Nations.

92. The Ministers strongly support the oversight role performed by the General Assembly, as well as its relevant intergovernmental and expert bodies, in planning, programming, budgeting, monitoring and evaluation. They reaffirm that any Secretariat and management reform efforts, including on its budget process, must not intend to change the intergovernmental, multilateral and international nature of the Organization but must strengthen the ability of Member States to perform their oversight and monitoring role. They also reaffirm the right of the entire membership of the United Nations to pronounce on the administration of the Organization, including on its budgetary matters.

93. The Ministers reaffirm the principle of "capacity to pay" as the fundamental criterion in the apportionment of the expenses of the United Nations and, while recalling General Assembly resolution 64/248, reject any change to the elements of the current methodology for the preparation of the scale of assessments aimed at increasing the contributions of developing countries. In this regard, they emphasize that the core elements of the current methodology of the scale of assessment, such as base period, gross national income, conversion rates, low per capita income adjustment, gradient, floor, ceiling for least developed countries and debt stock adjustment must be kept intact and are not negotiable.

94. The Ministers stress that the current maximum assessment rate, or ceiling, was fixed as a political compromise and is contrary to the principle of the capacity to pay and a fundamental source of distortion in the scale of assessments. In this context, they urge the General Assembly to undertake a review of this arrangement, in accordance with paragraph 2 of resolution 55/5 C.

95. The Ministers affirm that the current principles and guidelines for the apportionment of the expenses of peacekeeping operations approved by the General Assembly in its relevant resolutions should constitute a basis for any discussion on the peacekeeping scale. In this regard, the Ministers stress that the peacekeeping scale must clearly reflect the special responsibilities of the permanent members of the Security Council for the maintenance of peace and security. The Ministers also recall that the economically less developed countries have a limited capacity to contribute towards the budgets of peacekeeping operations. In this context, the Ministers emphasize that any discussion on the system of discounts applied to the peacekeeping scale should take into account the conditions of developing countries,

whose current positions must not be negatively affected. The Ministers stress, in this regard, that no member of the Group of 77 and China that is not a permanent member of the Security Council should therefore be categorized above level C.

96. The Ministers reaffirm that the financial stability of the United Nations should not be jeopardized by arbitrary measures. The Ministers stress that any efforts to use financial contributions to push for the adoption of certain proposals are counterproductive and violate the obligations of the Member States to provide resources for the Organization, as enshrined in its Charter.

97. The Ministers, in this context, reject all unilateral coercive measures contrary to international law, which obstruct and sometimes impede payments of assessed contributions from members of the Group of 77 and China to the budgets of the Organization.

98. The Ministers also express concern over the closure of the official bank accounts of Member States of the Group, which has impaired the proper functioning of the missions and the payment of Member States' contributions to the Organization. In this regard, the Ministers stress that the private nature of the banking system does not relieve the host country of its responsibility to ensure unrestricted banking services to permanent missions of the Member States of the Group in New York and urged the host country to fulfil its obligations accordingly.

99. The Ministers strongly reaffirm the legal obligation of all Member States to bear the financial expenses of the United Nations, in accordance with the Charter, and urge all Member States to pay their assessed contributions on time, in full and without conditions. They also stress that the special and genuine difficulties faced by some developing countries, which temporarily prevent them from meeting their financial obligations, should be fully taken into account and that the decisions of the General Assembly on the agenda item "scale of assessments" must be responsive to such difficulties.

100. The Ministers stress that the level of resources to be approved by the General Assembly must be commensurate with all mandated programmes and activities in order to ensure their full and effective implementation. They also reaffirm the priorities of the Organization as approved by the General Assembly and the need for the Secretary-General to reflect these priorities when presenting proposed programme budgets.

101. The Ministers express their concern at the budget cuts that are proposed for the biennium 2012-2013 that could have a negative impact on the implementation of mandates approved by intergovernmental bodies, particularly in the development pillar.

102. The Ministers reiterate that there is a need to strike a balance in reflecting the agreed priorities of the Organization in the allocation of resources to the United Nations regular budget, which is persistently to the detriment of the development activities. In this regard, the Ministers also stress that the Secretariat must strictly implement General Assembly mandates without exceptions or delays.

103. In this context, the Ministers stress that the strengthening of the United Nations and its role in international cooperation for development is essential to respond to current and future challenges and opportunities emanating from the process of globalization. They recognize that the United Nations needs to improve

its capabilities and capacities to fully implement its mandates and to ensure the effective delivery of its programmes in the social and economic development field. In this regard, they urge the Secretary-General to further strengthen the development pillar of the whole organization, including its Development Account.

104. The Ministers stress the importance of ensuring that the Secretariat meets the highest standards of accountability, transparency, integrity and ethical conduct. The Ministers, therefore, urge the Secretary-General, as a matter of priority, to fully implement General Assembly resolution 64/259.

105. The Ministers express concern at the inadequate share of the developing countries in the United Nations system of procurement. They emphasize that United Nations procurement should be on as wide a geographical basis as possible with preferential treatment for the developing countries. They further underline that the United Nations supplier roster should be representative of the membership of the Organization and underscore the need to implement concrete measures to ensure greater market access by businesses from developing countries in United Nations procurement.

106. The Ministers stress the need to increase the representation of developing countries, in particular at the senior levels, to improve the geographic distribution in the Secretariat and to increase transparency in the recruitment process.

107. The Ministers reiterate their call for the immediate and full withdrawal of Israel, the occupying Power, from the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan to the line of 4 June 1967 and from the remaining Lebanese occupied land. They reaffirm their support for a Middle East peace process aimed at achieving a comprehensive, just and lasting peace in the region, in accordance with the relevant United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973), 425 (1978) and 1850 (2008), and the principle of land for peace. In this context, they also reaffirm their support for the Arab Peace Initiative endorsed by the Arab Summit Conference in March 2002.

108. The Ministers stress the need for the early realization by the Palestinian people of their right to self-determination and to the independence of the State of Palestine to allow for their stability, prosperity and development towards the achievement of the Millennium Development Goals, to which all peoples are entitled. The Ministers express support for the efforts of the Palestinian people to achieve independence and welcome in this regard the submission of Palestine's application on 23 September 2011 for full membership in the United Nations.

109. The Ministers condemn the ongoing Israeli military occupation of the Palestinian Territory, including East Jerusalem, and the illegal actions by the occupying Power that continue to cause civilian casualties, socio-economic and humanitarian hardship and destruction to Palestinian properties, infrastructure and agricultural lands and to undermine the contiguity, unity and integrity of the Territory.

110. The Ministers express deep concern about the further decline of the social and economic conditions of the Palestinian people, particularly in the besieged Gaza Strip, as a result of illegal Israeli practices, including construction of settlements and the Wall and the imposition of a blockade and hundreds of checkpoints. They call upon Israel, the occupying Power, to immediately cease all illegal measures

impairing the Palestinian economy and development, in particular the inhumane and illegal blockade imposed on the Gaza Strip and restrictions on the movement of persons and goods, including commercial trade, throughout, into and out of the Occupied Palestinian Territory, and to make reparation for all damages caused to Palestinian properties, institutions and infrastructure. They reiterate their call upon the international community to continue providing much-needed development and humanitarian assistance to the Palestinian people during this critical period, particularly for reconstruction and economic recovery in the Gaza Strip.

111. The Ministers reaffirm the need for the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in accordance with the principles and the objectives of the Charter and the relevant resolutions of the General Assembly, in order to find, as soon as possible, a peaceful solution to the sovereignty dispute relating to the question of the Malvinas Islands, which seriously damages the economic capacities of Argentina, and the need for both parties to refrain from taking decisions that would imply the introduction of unilateral modifications in the situation while the Islands are going through the process recommended by the General Assembly.

112. The Ministers reiterate their position that South-South cooperation is a complement to, rather than a substitute for, North-South cooperation and reaffirmed that South-South cooperation is a collective endeavour of developing countries based on the principle of solidarity and premises, conditions and objectives that are specific to the historic and political context of developing countries and to their needs and expectations, and as such South-South cooperation deserves its own separate and independent promotion as reaffirmed in the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation, held in Nairobi from 1 to 3 December 2009, and the Development Platform for the South mandated by the Second South Summit of the Group of 77, held in Doha from 12 to 16 June 2005.

113. The Ministers stress that South-South cooperation and its agenda must be driven by the countries of the South. As such, South-South cooperation, which is critical for developing countries, requires long-term vision and a global institutional arrangement as envisioned at the Second South Summit.

114. The Ministers reaffirm the importance of strengthening South-South cooperation, especially in the current international economic environment, and reiterate their support for South-South cooperation as a strategy to sustain the development efforts of developing countries and as a means of enhancing their participation in the global economy. They reiterate the frameworks and the principles of South-South cooperation as endorsed at their thirty-fourth annual meeting, held in New York on 28 September 2010.

115. The Ministers stress that the High-level Committee on South-South Cooperation is the central multilateral policymaking body in the United Nations system to review and assess global and system-wide progress on and support for South-South development cooperation, including triangular cooperation, and to provide overall guidance on future directions. The Ministers urge all partners interested in supporting South-South cooperation to be guided by the principles and objectives for such cooperation established in such internationally agreed documents as the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries, which was endorsed by the

General Assembly in its resolution 33/134 of 19 December 1978, and the Nairobi outcome document on South-South cooperation, which was endorsed by the Assembly in its resolution 64/222 of 21 December 2009, as well as other relevant General Assembly resolutions. The Ministers therefore reiterate the Group's position that any policy debate outside the United Nations system should be guided by the agreed framework above and the Yamoussoukro Consensus on South-South Cooperation.

116. The Ministers reiterate the request made by the Heads of State and Government at the Second South Summit, reaffirmed in the Nairobi outcome document, that the Secretary-General, in consultation with States Members of the United Nations, take measures to further strengthen the Special Unit for South-South Cooperation, as reaffirmed by the General Assembly in its resolutions 58/220 of 23 December 2003, 60/212 of 22 December 2005 and 62/209 of 19 December 2007, so as to enable it to carry out its full responsibilities, in particular through the mobilization of resources for the advancement of South-South cooperation, including triangular cooperation. In this context, the Ministers invite the Secretary-General and the Administrator of the United Nations Development Programme to take the measures necessary to upgrade the Special Unit for South-South Cooperation in order to give it the visibility that it deserves as mandated by the Heads of State and Government. In this context, the Ministers mandate the Chair of the Group of 77 to initiate discussions on options to implement the relevant decision of the Summit in the light of the ongoing Joint Inspection Unit review process during the sixty-sixth session of the General Assembly.

117. The Ministers stress that South-South cooperation should be explicitly incorporated into the operational programmes of all relevant bodies of the United Nations system and that there should be coordination among various entities on the most effective way to support it. In this context, they welcome the recent initiatives undertaken by various United Nations bodies to establish new units and work programmes to support and promote South-South cooperation and urge other entities of the United Nations system to intensify their efforts to include South-South cooperation in the mainstream of their activities. In this context, the Ministers reiterate the call to the United Nations funds and programmes, as well as to the specialized agencies, to take concrete measures to mainstream support for South-South cooperation, including triangular cooperation, in order to help developing countries to develop capacities to maximize the benefits and impact of South-South and triangular cooperation.

118. The Ministers recognize the need to mobilize adequate resources for enhancing South-South cooperation and, in this context, invite all countries in a position to do so to contribute in support of such cooperation through, inter alia, the Pérez-Guerrero Trust Fund for Economic and Technical Cooperation among Developing Countries and the United Nations Fund for South-South Cooperation. In this context, the Ministers encourage the Special Unit for South-South Cooperation to take additional resource mobilization initiatives to attract more financial and in kind resources, while avoiding the proliferation and fragmentation of financing arrangements.

119. The Ministers welcome the launch of the Group of 77 global South-South network of scientific institutions, namely the Consortium on Science, Technology and Innovation for the South, and congratulate the Chair and the Executive

Secretary of the Group of 77 in New York, as well as the Consortium's Coordinator and Focal Point for the Paris Chapter, for their outstanding efforts and leadership in the operationalization of the Consortium. In this context, the Ministers recall decision 45 adopted by the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its 185th session, held in Paris on from 5 to 21 October 2010, urging the Director-General of UNESCO to provide the technical support necessary for the operationalization of the Consortium and to cooperate with the Group of 77 and China in mobilizing the extrabudgetary resources needed for the implementation of such a project and for the convening of the first General Conference of the Consortium prior to the Third South Summit of the Group of 77 and China.

120. The Ministers take note of decision 39 adopted by the Executive Board of UNESCO at its 186th session, held in Paris from 3 to 19 May 2011, entitled "Reactivation of the activities of the International Fund for the Promotion of Culture", and stress the urgent need for and the importance of its full implementation by the Director-General of UNESCO, emphasizing the intellectual and operational autonomy of the Fund.

121. The Ministers recall that the Second South Summit mandated the Special Unit for South-South Cooperation, stressed the urgent need to strengthen cooperative efforts to build and utilize networks, institutional capacity and expertise in such areas as science and technology, research and standards development and requested the Special Unit for South-South Cooperation, in collaboration with the South Centre, to facilitate this objective. In this context, they also welcome the convening by the South Centre of a brainstorming session on South-South cooperation in science and technology and the future role of the Consortium held in Geneva on 8 July 2011 and encourage the Special Unit and the South Centre to convene technical preparatory meetings in accordance with the South Summit mandate above. They also welcome the ongoing efforts by the Chair of the Group of 77 in New York to convene a high-level meeting on science and technology for development on the occasion of the World Science Forum, to be held in Budapest, Hungary from 17 to 19 November 2011.

122. The Ministers decide to rename the Intergovernmental Follow-up and Coordination Committee on Economic Cooperation among Developing Countries as the Intergovernmental Follow-up and Coordination Committee on South-South Cooperation and, in this context, invite the Asian Member States and other interested member countries of the Group of 77 to come forward with an offer of venue for hosting its thirteenth session in 2012. They also invite Member States to host sectoral meetings in various fields of cooperation, including South-South forums for parliamentarians, mayors, youth, media and civil society, as envisaged in the Doha Plan of Action, adopted at the Second South Summit.

123. The Ministers note that, in view of the mounting and intractable challenges that developing countries face, more frequent high-level meetings of the Group on thematic or sectoral issues and with action-oriented outcomes might be required. To this end, the Ministers invite members of the Group of 77 to make offers to host high-level meetings of the Group on these issues, as appropriate.

124. The Ministers recall the Development Platform for the South and invite member countries of the Group of 77 to host meetings of the high-level panel of

eminent personalities of the South with a view to updating the Platform, taking into account the evolving realities and challenges that the developing countries face.

125. The Ministers note the postponement of the preparations for the Third South Summit and invite the Chair of the Group of 77 to undertake consultations with Member States of the African region and other interested countries of the Group of 77 for the hosting of the Summit to be held at a convenient date.

126. The Ministers recall General Assembly resolution 58/220 of 23 December 2003 and decide that a draft decision should be presented to the General Assembly at its sixty-sixth session proposing that, beginning in 2012, the observance of the United Nations Day for South-South Cooperation be changed from 19 December to 12 September to mark the day in 1978 when the United Nations Conference on Technical Cooperation among Developing Countries adopted the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries in Buenos Aires.

127. The Ministers approve the report of the twenty-sixth meeting of the Committee of Experts of the Pérez-Guerrero Trust Fund for Economic and Technical Cooperation among Developing Countries and endorse its recommendations. The Ministers commend the Chair of the Fund for his continued commitment and express their satisfaction with the results achieved by the Fund. In the light of the prevailing low level of interest earnings of the Fund caused by the current world financial situation, as reported by the Chair of the Fund, the Ministers appeal to all Member States to make significant contributions to the Fund on the occasion of the United Nations Joint Pledging Conference for Development Activities, to be held in New York on 8 November 2011.

128. The Ministers approve the financial statement of the Economic Cooperation among Developing Countries account of the Group of 77, as presented by the Chair of the Group of 77, and urge those Member States that have not yet done so to make special efforts to pay their outstanding contributions.

129. The Ministers express their deep appreciation to Argentina for its able leadership and for its excellent work and tireless efforts as the Chair country of the Group of 77 for 2011. As 2011 proved to be a challenging year for all developing countries, the commitment shown by Argentina as Chair country in pursuing the goals and objectives of the Group of 77 was a source of profound gratitude. The Ministers also commend the efficient work and continued valuable support provided by the secretariat of the Group of 77 in New York to the Chair country and to the Member States and congratulated the Executive Secretary of the Group of 77 on the achievement award presented to him during the opening ceremony of the ministerial meeting in recognition of his outstanding performance, continued commitment and dedication to the goals and objectives of the Group of 77.

130. The Ministers warmly welcome the election by acclamation of Algeria to the Chairmanship of the Group of 77 for 2012.

131. The Ministers welcome the admission of Nauru as a member of the Group of 77.